A

File No. 294.

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Pros. Serial Nos. 11 - 20

Subject.

Bangalore Civil & Military Station Municipal Regulation 1896.

Previous References.

Later References.

S & P) MFP—(6302/A|M-653)—3-12-46—25,00,000.

S. 11

No. 3510. dated 7th Sep. 1895

To His Excellency
The Lieut General Commanding the Forces in India
c/o Railway Mail Service

Sir

I have the honour to acknowledge the receipt of
Your Excellency's letter No 1597 M. S. of
S. 10 the 3rd of September 1895.

2 In regard to the question of accommodation I acknowledge your courtesy in explaining to me the position, and I venture to trust that the representation which I deemed it my duty to make to you on the absolute unfitness of most of the Quarters occupied by Officers as proper places in which to treat them may constitute a new factor in the settlement of the grave question raised, which will induce the S. of S to give favourable consideration to the provision of such quarters

3. It is my painful duty to admit the facts stated in paras 4 & 5 of your letter under reply. I should with sincere pleasure exercise the means referred to in para 7 of your letter if I possessed them, but in the present state of the law I fear that the powers of control referred to in para 6 of your letter have been misapprehended

4. Section 64 of Madras act I. 84 enables the S. in C. to intervene in the Presidency towns if the Commissioners fail to carry out their duties. There is no corresponding Section for this small stations in the Bangalore Regulations. S. 42 of the same act enables the S. in C. to appoint a special sanitary officer. The Resr has no such power here. Almost uncontrolled power vests here in the or in the words of the Regulation the "entire executive power & responsibility" vests in the President, but the Comrs under S. 30 may decline reject or modify all any of the items of the Budget & Section 11 adds, a proviso that the destructive "nothing" in that section "shall prevent any act of the Pres^t being overruled by the municipal Comrs present at any meeting". In other stations where British troops are located the Cant. act confers substantial powers on the executive Govt. No Cant^t act applies here, & although Bangalore cannot possess the intelligence & public spirit to be found in the Presidency towns of India, its regulations are modelled upon the exceptional laws of self-Govt enacted for those great centres, without any of the reservations & superior powers of control vested in Govt which those laws confer

5 I trust that Y. E. will not depreciate my desire to do all in my power, or infer that I justify the present unsatisfactory state of affairs I have in fact strained

to the furthest limit of legal construction the few clauses of the Regulations which can serve my purpose. At the present moment I am advised that the continued residence in certain overcrowded houses of in which fatal cholera cases have occurred is fraught with serious danger. The Local Section 177 P allows me to remove persons suffering from infectious dangerous diseases. Till they do so suffer I am powerless. Three deaths have occurred in one house in consequence. I am advised that the house in which Dr Drachter lived is unfit for human habitation & must be razed to the ground. I have taken action under S. 116 of the Regulations, but its legality will have to be tested. My predecessors have conveyed ~~I have expressed~~ to the Municipal Press the opinion of the Sanitary Board that only ~~the~~ houses should be built in a certain area. The Municipality has given its consent to the building of 7. I am advised that the appt of a special sanitary officer at this moment is urgently needed. The law will not permit a special meeting of the Comrs to be held without 7 clear days notice & public advertisement, & when the meeting is held I ~~do not anticipate~~ cannot be sure that the appt will be sanctioned. I have therefore telegraphed to the S. of S for sanction to appt to the Govt of Madras for such an officer.

6 The defects of the existing law struck me within a few weeks of my arrival - I consider that it is essential that the administration of the Civil & Military Station should be under one head the Chief but I consider that the Chief ought not in a Military Station to be hampered by the Bangalore Municipal Regulations. I have submitted my proposals to the Govt of India; in which I have, in no spirit of criticism or argumentative discussion, ventured to correct an impression conveyed in some of your letter, I may assure you that I shall be grateful for any support which you are able to give me in placing the Regulations of this Station upon an entirely new basis. The chief of my difficulties in carrying through changes which my experience elsewhere suggests is necessary I cannot find on record any protests from the Military authorities or any official indication that they have been dissatisfied with the present state of the law in Bangalore

Yours

Verify No of 24 Commissioners

S.12

LIEUTENANT-GENERAL COMMANDING THE FORCES MADRAS

RESIDENTS' OFFICE BANGALORE 3726 D/16-9-18

No. 1644 M.S.

Cannanore
9 September 1895.

Sir

I have the honor to acknowledge, with thanks, the receipt of your letter No 3510 dated 7th inst -

S.11

I am very grateful for the proposals you have made to the Government of India on this most important subject and upon my arrival in Bangalore in a few days time hope you will permit me to confer with you as to the manner in which I can best afford the support referred to in para 6 -

I have the honor to be
Sir.
your most obedient Servant

To Resident in Mysore
Bangalore.

Commanding Troops. Madras

ee with the Sanitary Board's report 651. Sept 11. (as presented to the Parliamentary Council)

S 13

Dated. 17. Sept 13

Dear Mr Bosanquet

S. 7 In reply to your letter of Aug. 19. I write to inform you that, in view of the reservations with which I shall in letter 5 316 of Aug. 14 have been received, I have thought it essential that a fresh mind should be brought to bear on this before the Regions are sent up for sanction. important matter. My instructions are i that our municipal regulations are based upon the Presidency towns acts with this important exception that all the teeth of those acts are drawn & their Rudyard clauses removed: ii that the administration of this large as the reports of the Sanitary Board cs. 651. D. Sept 11 can show, military station is deplorably bad; iii that the feeling of all military officers, from the General downwards, is one of grave & justifiable dissatisfaction with the absence of all control over the municipality & absolute incompetency with the of municipal sanitary administration Even mad dogs have the run of the station. I see no remedy except in the strengthening of the Rest hands, & the recognition of the fact that, although we do not want a divided authority a Rest a municipality & a Civil authority,

we must have powers of control vested
in the Resⁿ, & a closer touch with
Military wants I have left on record
& version of the Regulations which Sir G J
can see: & adjust to his own point of
view If the Regulations are revised then
the first great difficulty will be removed.
& predecessors can defend inaction by an
appeal to the Regulations I myself cannot tolerate
the sight of overcrowding filthy drains, polluted
water, & liquidated houses inadequate
hospital room sick officers. & a very high
death rate without an endeavour to put
& finger on the weak spot in our administration

GJ

LHW

RESIDENT'S OFFICE.

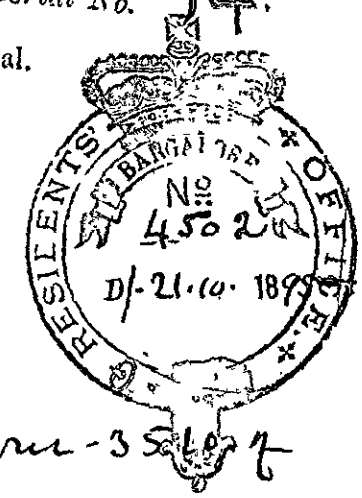
Serial No. 14.

[DRAFT]:—For approval.

No.

To

Telegram



Dated 19- October 1893.

Mr Aubrey

This letter (No. 3510) is in the New Mc Rep. File No. 294/93 — S. 11

Dupn 21.10.95

Lieut.-General Commanding

Ootacamund

To

Resident

1846. B. Confidential - your - 3510 - of seventh instno

Quarter Master General India mies - Depots. Before making any representation to Government it appears necessary to know why the powers conferred by paragraph 3 of Foreign Deptt notification 31 Q. D. of ninth February 83 are not sufficient to ensure necessary requirements of sanitation being carried out - It is in power of Resident to regulate number of Commissioners so that official element predominates and thus ensure sanitation being carried out. Paragraph 3 seems to confer sufficient power if exercised.

Re present Mc. Regns.

and

and under paragraph 31 he can revise budget. Will your Excellency please report on this point - Pseudo -

Please consider these points and favour me with your views thereon early -

RESIDENT'S OFFICE.

Dated 23rd October 1895.

Despatched —do—

S 14

From Bangalore

From Resident

To Ootacamund

To H.E. The Right Hon
Commanding
Madras forces.

OFFICIAL INSTRUCTIONS.

Secret State

TELEGRAM.

[DRAFT.]—For approval.

No. 4211.

Excellency's
Your Telegram 1846 B
of 19th. It is true that
~~Section~~ para 3 of notification
proved and Res Resident's
to regulate constitution
of Committee, but since
1884 the provisions of
para 5 have been fol-
lowed and although
the disfranchising of
the municipality is
available as an ultimate
resort, it seems more
desirable to provide for
the necessary control
of an electric system.
Under para 21 the
Resident has no power
to insist on provision
being made for matters
not entered in the Budget.
I have been asked by Govt.
of India to revise the
Municipal regulations and
before submitting my
draft will forward it
for Your Excellency's
opinion —

Yours

Copy

Ootacamund
27th April 1896

My dear Clarke,

I send herewith a copy of the revised Municipal Regulation for the Civil and Military Station, Bangalore. This is the outcome of a Committee composed of Myself and

General Gossett
The District Magistrate
The Residency Surgeon
The Executive Engr: Mety: Works.
Surgeon Major Ross (on spl: duty)
Mr: Abdul Rahman (2nd Magr:)

We had thirteen sittings and fully discussed every provision. The Committee represent the Military, the Civil and the Medical professions, and General Gossett, Surgeon Lieutenant Colonel Dobson, Major Baddeley and the 2nd Magistrate have had long experience of Bangalore I am very much indebted to Genl Gossett for the help he has given me.

The sections which are intended to provide for improving the administration

of the Cantonments, or rather (as there is no Cantonment in the technical sense) that portion of the Civil and Military Station which is occupied by the Military are Sections 5, 6, 7. These will enable Government to treat any portion of the Station as if it were a Cantonment area - or to leave it to Municipal law - just as the extent that may seem desirable.

Section 75 provides for a contribution from Government to Municipal funds on account of Municipal works &c. benefitting the inhabitants of the area entirely excluded from the operation of the Regulations.

The Exemption of Military Employes from certain forms of taxation has been provided for in Sections 41 (1) - first sentence, and B (i) (ii) (iii), 46 (2). Under these Sections any Exemptions approved by Government can be carried into Effect.

I shall be very glad to be able to say that the Regulation has your Concurrence. If there is anything

on which You would like explanation, please let me know, and I will come over and explain

Yours Very Sincerely
Sgd W. M. Young.

N. E. Lt: Genl: C. M. Clarke C.B.

P.S. In regard to the Regulations generally, the most important new departures are; The Health Committee Sections 23, 178 (1) i, and Powers of Control. Chapter VIII

17

LIEUTENANT-GENERAL COMMANDING THE FORCES * MADRAS *

Ootacamund.
4. May 96.

My dear Young

Many thanks for your note of 29 April & 1st May & their enclosures, here with returned.

My A. Q. M.G. and I have been through the draft Regulations & your letter submitting them to Government - the only thing that occurred to me on reading the former was whether it would not

be desirable in Sch II. para 8(h)
to prescribe the proportion of Civil
& Military Officers on the Commission.

But I do not know which view is
a matter of vital importance &
possibly the point was considered by
the Committee who might have
had good reasons for leaving the
paras as it stands

I am writing officially to the

Q. Mrs. Dulin how many trials I concur with the draft regulations you have forwarded me with the eight of -

I will drive over this afternoon to discuss the points I have alluded to.

Yr sincerely

Amelia Earhart

Signed. Gen. Clarke accepts the Req[d] as it stands. The point was raised by Gen Soper, and my reasons were cheerfully accepted by him.

Jno.

4/5/90

Ootacamund 14
5th May 1896.

My dear Barnes,

I am sending you an official letter with a revised Municipal Regulation for Bangalore, which should reach you in a few days

This revised draft has been fully discussed by a strong Committee. All Concerned are very anxious to see it introduced. The Military authorities cordially concur and His Excellency the Lieut: General Commanding the Madras Forces has promised to support it, and has written to the Q. M. G. on the subject. It is based on the Punjab Act which was indicated in the Legislative Department note sent with Bosanquets D.O. of 19th August 1895 as the best model for such a Regulation

We very much want this enactment, and I shall be very grateful if you will do your best to push it through

I return herewith the Copy of the

draft of 1895 with the Legislative Dept.
Notes recorded with Boscawen's O.D. above
mentioned. I have explained in my
covering letter why I have abandoned this
draft. In case you should care to
run your eye over the revised Regulations
before it comes to you in regular
course, I enclose an advance copy

Yours Sincerely
Sol W. Sr. Young.

'S OFFICE.

Serial No. 19

[DRAFT].—For approval.

Camp No. 19 Ex 2
1666

Dated 11 May 1896

To

H.E.

The Lieut.-Genl.

Commanding the Mer. Mde.

Sir,

I have the hon to forward for your Excellency's information a copy of my letter to the Govt. of India Foreign Dept. submitting for Sanction a revised Draft Regulation to provide for the better management of the Municipal affairs of the C. in Cantonments of Bangalore.

I have &c.

Resident

Se. 20.

No. 1709 d. 8th May/96

copy enclosed.

No. 1709.

FROM

W. MACKWORTH YOUNG ESQ., C. S. I.,
RESIDENT IN MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FOREIGN DEPARTMENT, SIMLA.

Dated Bangalore, the 8th May 1896.

SIR,

With reference to the correspondence ending with your No. 2689 I, dated 15th August 1895, I have the honour to submit for the sanction of His Excellency the Governor-General in Council a revised Draft Regulation to provide for the better management of the municipal affairs of the Civil and Military Station of Bangalore.

2. The draft of 1895 which was mainly a re-enactment of the existing Regulations with the addition of a number of the sections of the Madras Act (I of 1884) was considered by my predecessor Mr. Lee-Warner to be deficient in regard to certain matters explained in his No. 3019, dated 3rd August 1895, and he accordingly drafted some additional sections to be embodied therein which were given in his No. 3167, dated 14th August 1895. The Government of India consented to the tentative revision of the draft in accordance with these suggestions, but intimated that this consent implied no pledge to go beyond the lines of Act XIII of 1889 (The Cantonment Act). On going carefully into the draft, which comprised 455 sections, I found that it would need considerable modification in order to provide satisfactorily for the requirements of the place; it seemed to me also unnecessarily long, many matters being included which could more conveniently be treated in rules and bye-laws; and lastly the arrangement was very imperfect, and capable of vast improvement on the models of recent legislation.

3. I therefore came to the conclusion that the best plan would be to remodel the Regulation entirely, and to form a strong Committee to consider its provisions, representating adequately the Civil, Military and Medical interests of the Station. Brigadier General Gosset C. B., Commanding the District, not only supported this plan, but kindly consented to join the Committee himself which was accordingly thus composed.

THE RESIDENT.

BRIGADIER GENERAL M. W. E. GOSSET C. B., *Commanding the District.*
MR. A. M. SLIGHT; *District Magistrate and Collector, C. & M. Station.*
BRIGADE SURGEON LIEUT.-COLONEL. A. F. DOBSON; *Residency Surgeon.*
MAJOR J. M. T. BADGLEY R. E., *Ex. Engr. Military Works Department.*
SURGEON MAJOR D. R. ROSS, *On Special duty Bangalore.*
MR. ABDUL RAHMAN, *Second Magistrate, C. & M. Station.*

Of these, Brigadier General Gosset, Brigade Surgeon Lieutenant-Colonel Dobson, Major Badgley and Mr. Abdul Rahman have had long experience of the needs of Bangalore. All except Brigadier General Gosset and myself are members of the Municipal Commission, and I am satisfied that no more competent body of local officers could have been constituted. Thirteen sittings were held and every provision of the amended draft has been fully discussed. I am also glad to be able to state that the Regulation has been submitted to His Excellency Lieutenant General C. M. Clarke, C. B., Commanding the Forces, Madras, and has his concurrence.

4. In accordance with a suggestion made in the Legislative Department of the Government of India, the Punjab Municipal Act, 1891 has been adopted as the model on which the present draft is based. Following its provisions and modifying them according to local requirements, the Committee then went through the provisions of the Bangalore Draft of 1895, and the results of previous experience have thus been combined with present needs. I proceed to record some general observations on the peculiar features of the Civil and Military Station of Bangalore, and I will then notice in detail the more important provisions of the draft.

5. The Civil and Military Station comprises an area of about 12½ square miles. Previous to the rendition of Mysore, it formed part of the combined municipality of the present Civil and Military Station area and of the town of Bangalore which adjoins it. When the jurisdiction of the Civil and Military Station was ceded by the Mysore State to the British Government, two municipalities were formed out of the two areas. The Civil and Military Station contained a large cantonment with about 10,000 troops, but the cantonment area was so intermingled with the area inhabited by the civil population amounting to about 83,540 souls, that its separation and subjection to cantonment rule was deemed to be impracticable. From time to time exemptions from municipal control have been ordered by the Government of India in respect of Military buildings and lands, but with these exceptions the whole has been subject to the control of the municipality. This state of affairs is probably unique; and the inconvenience arising therefrom needs no demonstration. The large Military garrison is dependent in regard to its sanitary surroundings on the ideas of municipal administration held by a majority of the Municipal Commissioners, and though two Military members have been appointed ex-officio to serve on the Commission, the standard of administration has depended mainly on the votes of the elected members who constitute two-thirds of the whole body of the Commission, and who are without exception Native Gentlemen with little or no knowledge of cantonment requirements. To meet this anomaly, the President of the Commission who is ex-officio, the District Magistrate and Collector of the Civil and Military Station, was invested under the Municipal Regulations with the sole executive authority of the Commission, but this authority was restricted by a provision which enabled the Commissioners to set aside his action when it pleased them and though the President has exercised his authority without much interference, the absence from the Regulations of any recognition of the special needs of the Cantonment has placed him in an anomalous position, and so far as he has endeavoured to meet these needs, has resulted in his acting without due authority, and in minimising the responsibility of the rest of the Commission.

6. The question what is the best method of remedying this defect is one which has engaged the most careful consideration of the Committee. On the one hand the delimitation of an area to be placed under Cantonment law, or in other words the formation of a Cantonment entirely separate from the municipal area is impracticable, on the other the continued subordination of the interests of the Military community to municipal law administered by the Municipal Commissioners is plainly undesirable. The only method seems to be to take power to exclude from municipal jurisdiction, in whole or in part, buildings and lands exclusively used for Military purposes, and to impose the provisions of any Cantonment law on such property. Grants of lands made to private persons under the conditions detailed by Mr. Lee Warner in the enclosure mentioned in paragraph 5 of his No. 3167, dated 14th August 1895, should

Se 5

also, we consider, be subject to such conditions as the Government of India have found to be applicable to such grants in other Cantonments in British India, or in such Cantonments as Mhow and Secunderabad. The first of these proposals needs to be accompanied by some provision entitling the Municipal Commission to receive a contribution from the Military authorities on account of institutions, roads &c., maintained from municipal funds which contribute to the safety, health, welfare or convenience of the inhabitants of buildings and lands. This principle has already been accepted by the Government of India, in regard to a contribution for the maintenance of roads and lighting, and is not therefore a new proposal. Finally provision has to be made for the exemption from certain forms of taxation of Military officers, buildings, lands and other property, subject to the general or special orders of the Government of India. The provisions of the draft which deal with these matters will be found in Sections 5, 6, 7, 41 (1), 41 (1) (B) i, ii, iii, 46 (2), 73 and 76.

7. Another important defect in the past administration of the municipal affairs of Bangalore has been the inadequacy of its sanitary arrangements. This has been fully brought out in the report of Surgeon Major Ross, submitted with this office No. 1019, dated 18th March 1896. The Health Department has had no professional supervision, and though the Residency Surgeon has for several years been a member of the Commission, and has frequently represented the insanitary condition of the Station, his representations have failed to effect any amendment. The Municipal Commissioners, more from the lack of a properly organised Sanitary Department, than from unwillingness to accept his conclusions, have been unable to institute the needed reforms. The Resident acting on the advice of the Sanitary Board constituted by Resident's Proceedings No. 3266—4069, dated the 21st September 1889, has also from time to time brought to the notice of the Commission defects pointed out by that body, but for a want of a proper agency, little result has followed these representations. The existing Regulations provide, it is true (Section 25) for the appointment of Committees, to enquire and report, on any matter referred to them by the Municipal Commissioners, but there is no provision for conferring executive authority on such Committees, and the proper organisation of a Health Department has therefore been impossible. This defect in the Regulations occurred to me before the receipt of the Government of India, Home Department Resolution No. 11—313-326, dated 26th October 1895, and I had come to the conclusion that it would be necessary to amend it in the new draft; the Resolution above quoted has now definitely enjoined the formation of a Health Department under a medical officer in important municipalities; 'Surgeon-Major Ross' report above quoted strongly advocates it, and the Committee assembled for considering the Draft Regulation were unanimously in favour of the measure. The result is to be found in Sections 19, 23, 25, 32 (1) (f) and 178 (1) (i) of the draft.

8. In one other important respect the present draft involves a new departure, *viz.*, in regard to control of the proceedings of the Municipal Commission. Such control is under the circumstances, essential. The presence of a large Military Community, in the midst of the municipal area, has not, in the opinion of the Committee, and, I may add, of my predecessor in office, been sufficiently recognised in the existing Regulations, which were framed upon the model of the Municipal Act for the Presidency town of Madras. The provisions for exercising this control will be found in Sections 11, 32 (1) (f) read with sub-section (2) of the same section, Section 142, and Chapter VIII. Most of these provisions are taken from the Punjab Municipal Act 1891. While they undoubtedly render the Municipal Commission more amenable to the interference of government, they need not, and I hope will not in reality reduce the status of the municipal body, or result in such interference being frequently exercised. In one important respect the position of the Municipal Commissioners is improved, in that the responsibility for carrying out the provisions of the Regulation primarily devolves upon them, and subject to the Resident's approval they will appoint their own executive, Section 25, whereas the existing Regulation, under a semblance of Municipal Government practically places unlimited power in the hands of the President, with the result described in paragraph 5. I do not consider therefore that the introduction of a more effective

control from without, will be unpopular, while I anticipate that the enhanced responsibility of the Municipal Commission will lead the individual members to exert themselves more strenuously in the discharge of their duties.

9. I need only add a few remarks on particular sections of the draft. The corresponding section of the Punjab Act or of the Bangalore Draft of 1895 are noted in the margin, though where the section is almost entirely borrowed from the one, the corresponding section or sections of the other have not been quoted. I shall for the most part confine my remarks to new provisions which have not the support either of the one or the other.

Section 3. We have got rid of the bulk of the definitions 46 in number, contained in the draft of 1895. Definitions 5 to 12 are borrowed from the Punjab Act.

Section 4. Formerly the Resident had power to define municipal limits. It seems more proper that any alteration of Station limits should rest with the Governor-General in Council.

Sections 5. 6. 7. See paragraph 6 of this letter.

Section 17. The existing Regulations provide that the Secretary of the Commission if appointed a member, shall be ex-officio Vice-President. We see no reason for thus narrowing the selection of Vice-President, and no objection to allowing the Commission subject to the Resident's sanction, to appoint its own Vice-President or Vice-Presidents.

Section 19. The addition of the Medical Officer is explained in paragraph 7 of this letter. Ordinarily the Residency Surgeon will be the Medical Officer, but there seems no reason for making it impossible to put in a Military Medical Officer. The officer appointed will be chairman of the Health Committee [Section 23 (2)] and it may happen that some Military Medical Officer will have special qualifications for superintending the sanitary proceedings of the Committee.

Sections 21, 22. The form only of these sections is new. The rules regarding pensions were sanctioned in Government of India; Foreign Department No. 3312 I, dated the 24th August 1892.

Section 23. See paragraph 7 of this letter.

Section 25. See paragraphs 7 and 8 of this letter.

Section 41, (1), (A), (b). The exemption of Military employes from a profession tax, which has recently been required by the Government of India in connection with the water supply scheme is provided for by the first sentence of Section 41—or by Section 46 (2) which gives the Resident power to exempt any class of persons from the payment of any tax.

Section 43. The exemption of persons in the Military service of Government from liability to pay water tax in respect of the scheme above mentioned can be effected under this and the next following section, as well as under section 46 (2). As the provisions of the section are general, we have not inserted a special proviso with this object, which is sufficiently secured otherwise.

Section 61. (2) The Punjab Act provides that the water tax shall be levied from the occupiers of buildings or lands benefitting thereby, though the tax is to be imposed on the buildings or lands. We have taken power to levy it from either the owner or the occupier. In some cases it will be almost impossible in Bangalore to realize it from the latter.

Section 69. The powers of search and arrest for unlawful sale and possession of goods liable to octroi have been very fully discussed by the Committee. The existing powers are large, but the

goods liable to octroi are limited by the existing Regulations to tobacco, green and dry cocoanuts, and betel. We think it possible, especially in view of the difficulty of levying a water tax from occupiers, that the octroi schedule may have to be extended. In that case it will be desirable to safeguard the powers of search and arrest, and this is the object of the section. Some of the local officers would have preferred larger powers in regard to such search and arrest, but in view of the possibility above mentioned, I am unable to recommend that goods liable to octroi should, for the purposes of collecting the octroi, be followed into shops and houses or that persons found in possession of articles liable to octroi, and on which octroi has not been paid, should be liable to arrest except under the restrictions contained in the present draft.

Section 73. See paragraph 6 of this letter.

Section 140 (1) (e) ii and iii. These are new. Under the present bye-laws in Bangalore, persons are required to keep their buildings and walls properly leeped, white-washed or repaired but it is doubtful whether the bye-laws are not *ultra vires* being unsupported by any provision in the existing Regulations. The provisions were asked for by the local officers and seem unobjectionable.

Section 169 (1). There is an extensive organisation in the Military Department against fire, and the Field Officer of the week is, under the Military rules, responsible for the operation of the several fire brigades. He has therefore been included in the list of officers empowered under this section.

Chapter VIII. See paragraph 8 of this letter.

Section 189. The provisions of the existing Regulations have been simplified, principally owing to the substitution of the reference to the Civil Procedure Code in clause (c) for the detailed provisions, which appear to be unnecessary.

10. I venture to express a hope that the Draft Regulation now submitted may speedily be passed. The revision of the existing Regulations has been under consideration for the last 12 years. The need of such revision has been fully realised, and the present time is most opportune for a new departure, inasmuch as the sanitary condition of Bangalore has just been subjected to a rigid scrutiny and the measures of reform indispensable for its proper administration have been determined. The Civil, Military and Medical authorities of the Station are now unanimous in asking for the present measure, which is based upon the model of recent legislation approved in the Legislative Department of the Government of India, and has the cordial support of His Excellency the Lieutenant General, Commanding the Forces, Madras.

I have the honour to be,

Sir,

Your most obedient servant,

Resident.

Ge 20

[DRAFT]

BANGALORE CIVIL AND MILITARY STATION,

MUNICIPAL REGULATION.

1896

Printed at the Residency Press, Bangalore.—1896.

[DRAFT.]

THE BANGALORE CIVIL AND MILITARY STATION MUNICIPAL REGULATION OF 1896.

CONTENTS

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Title, scope and commencement.
2. Repeal.
   Saving clause.
3. Definitions.
4. Declaration of limits of Station.
5. Exclusion of Military buildings or lands from the operation of this Regulation.
6. Exemption of any local area from the operation of this Regulation, and application thereof to certain local areas.
7. Extension of Cantonment Acts, Regulations or Rules to any part of the Station.

CHAPTER II.

THE COMMISSION.

Constitution of Committees.

8. Municipal Commission.
9. Term of office of members.
10. Resignation of member of Commission.
11. Powers of the Resident as to removal of members.
12. Filling of casual vacancies.
13. Notifications of elections, appointments and vacancies.
14. Incorporation of Commission.
15. Member of Commission to be Municipal Commissioner.
16. District Magistrate of the Station to be the President of Commission.
17. Vice-Presidents
18. Casual vacancies in office of Vice-President.
19. Officers to be appointed by the Resident, such as a Medical Officer, an Engineer and a Secretary.
20. Other officers to be appointed by the Commission.

Pensions.

21. Pensions and gratuities to Officers and Servants.
22. Special pension or gratuity.

Committees.

23. Health Committee.
24. Other Committees.
25. Delegation of executive powers of Commission.

Conduct of business.

26. Time for holding meetings.
27. Ordinary and special meetings.
28. Quorum.
29. Chairman of meeting.
30. Vote of majority decisive
31. Record and publication of proceedings.
32. Bye-laws.
33. Extraordinary powers of President and Vice-President in case of emergency.

Defects in Constitution and Irregularities.

SECTIONS.

34. Vacancies and irregularities not to invalidate proceedings.

Contracts

35. Authority to contract.
36. Mode of executing contract and transfers of property.
37. Penalty on member, officer or servant being interested in contract made with the Commission.

Privileges and Liabilities.

38. Suits against the Commission and its officers.
39. Liability of members of Commission.

Acquisition of Land

Acquisition of land.

CHAPTER III.

TAXATION.

General Provisions.

41. Taxes which may be imposed.
42. House scavenging tax.
43. Water tax.
44. Procedure in imposing taxes.
45. Power to abolish or reduce tax.
46. Power to exempt from taxation.
47. Taxes not invalid for defect of form.
48. Taxes when payable.
49. Receipts to be given.
50. Appeals against taxation.
51. Limitation of appeal.
52. Taxation not to be questioned except under this Regulation.
53. Duty of furnishing true information regarding liability to municipal taxation.

Taxes on Immoveable Property.

54. Preparation of assessment list.
55. Publication of notice of assessments.
56. Public notice of time fixed for revising assessment list.
57. Settlement of list.
58. Further amendments of assessment list.
59. New list need not be prepared every year.
60. Remission of tax on unoccupied immoveable property
61. Taxes on immoveable property by whom payable.
62. Procedure in assessing profession tax and tax upon places used for the sale of intoxicating liquors. omitted

Octroi and Tolls.

63. Power to examine article liable to octroi.
64. Power to search where octroi is leviable.
65. Presentation of bill for octroi.
66. Recovery of octroi and tolls.
67. Power to lease the collection of octroi or tolls. omitted
68. Penalty for evasion of payment of octroi.
69. License for sale of article liable to octroi, failure to obtain such license and sale without such license.
70. Police officers to assist officers of the Commission. omitted.

CHAPTER IV.

Municipal Fund and Property.

SECTIONS.

71. Constitution of municipal fund.
72. Application of fund.
73. Contribution by Military authorities.
74. Where the fund shall be lodged.
75. Investment of same.
76. Property vested in Commission.
77. Management of public institutions.
78. Transfer to Crown of property vesting in Commission.

CHAPTER V

Powers for Sanitary and other Purposes.

Streets and Buildings.

79. Power to acquire land for building sites adjoining new streets.
80. Power to close streets.
81. Power to permit temporary occupation of streets &c.
82. Power to attach brackets for lamps.
83. Names of streets and numbers of buildings.
84. Roofs and external walls not to be made of inflammable materials.
85. Power to regulate line of buildings.
86. Notice of new buildings.
87. Power of Commission to make bye-laws as to mode of construction of buildings.
88. Definition of expression "erect or re-erect any building."
89. Removal of projections and obstructions.

Water-pipes, Privies and Drains.

90. Troughs and pipes for rain water.
91. Provision of drains, privies, &c.
92. Repair and closing of drains and privies.
93. Unauthorised buildings over drains, &c.

Dangerous Buildings and Places.

94. Power to require buildings, wells, tanks &c., to be secured.
95. Building &c, in ruinous or dangerous state.

Buildings and lands in unsanitary condition.

96. Power to require owner to clear away noxious vegetation.
97. Power to require hedges and trees to be trimmed.
98. Cleansing of filthy buildings or land.
99. Power to prohibit use for human habitation of buildings unfit for such use.
100. Power to require untenanted buildings becoming a nuisance to be secured or enclosed.
101. Cultivation, use of manure or irrigation, injurious to health, after prohibition.

Sources of Water Supply.

102. Power to require removal of nuisance arising from tanks and the like.
103. Removal of latrines, &c., near any source of water supply.
104. Bathing and washing places.

Regulation of manufacture, production, preparation and sale of articles of food and drink.

105. Power for Commission to regulate manufacture, preparation, and sale of food and drink.

Offensive and Dangerous Trades.

SECTIONS.

106. Regulation of offensive and dangerous trades.
107. Power to prohibit such trades.

Slaughter Places.

108. Places for slaughter of animals for sale.
109. Places for slaughter of animals not for sale.

Burial and Burning Places.

110. Powers in respect of burial and burning places.
111. Removal of corpses.

Inflammable Materials.

112. Inflammable materials.
113. Prohibitions for prevention of fire.
114. Prohibition of excessive storage of petroleum.

General Conservancy.

115. Removal and deposit of offensive matter.
116. Special provision with respect to disposal of dead bodies of animals.

House Scavenging

117. Definition of house scavenging.
118. Undertaking by Commission of house scavenging generally.
119. Savings in favour of agriculturists.
120. Continuance of house scavenging once undertaken by Commission.
121. Obligation of Commission to perform house scavenging properly.
122. Powers of municipal servants for house scavenging purposes.
123. Vesting in Commission of collections from house scavenging.
124. Punishment of agriculturists for negligence.

Dangerous Animals.

125 Destruction of mad dogs.
126 Information to be given of dangerous infectious disease of horse or cattle.

Infection

127. Information to be given of cholera or small-pox.
128. Removal to hospital of persons suffering from dangerous infectious disease.
129. Power to order disinfection and cleansing of buildings.
130. Power to order destruction of infected articles.
131. Public conveyance required to convey infected person.
132. Penalty for letting infected rooms.
133. Prohibition by Commission of use of unwholesome water.

Powers of Entry.

134 Inspection of drains and privies.
135 Power of entry for purpose of preventing spread of disease.
136 Other powers of entry on buildings or land.
137 Power to enter for discovery of vehicles or animals liable to taxation.
138 Power to inspect places for sale of food, or drink, &c., and to seize unwholesome articles exposed for sale.
139. Search for inflammable or explosive material in excess of authorised quantity.

Power to make Bye-laws.

SECTIONS.

140. Power to make bye-laws.
141. Penalty for infringement of bye-law.

Supplemental.

142. Confirmation of bye-law.
143. Execution of acts required to be done by any notice.
144. Recovery of costs of execution.
145. Compensation out of municipal fund.
146. Appeals from orders of Commission.

CHAPTER VI.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

147. Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.
148. Discharging sewage.
149. Failure to remove offensive matter.
150. Making or altering drains without authority.
151. Penalty for making or keeping latrines &c., near any source of water supply.
152. Keeping animals so as to be injurious to health.
153. Feeding animals on deleterious substances.
154. Driving vehicles without proper lights.
155. Discharging fire arms &c.
156. Control of elephants or camels.
157. Taking elephants along public roads.
158. Suffering dogs to be at large.
159. Altering, obstructing or encroaching upon streets.
160. Quarrying, blasting, cutting timber or building.
161. Picketing animals and collecting carts.
162. Carrying corpses by prohibited routes or so as to cause annoyance.
163. Destroying direction posts, lamp posts &c.
164. Penalty for disobedience of orders of Commission under last chapter.
165. Penalty for obstructing persons employed by the Commissioners in their duty.
166. Prosecution to be suspended in certain cases.
167. Disposal of certain imports seized under any bye-law made under Section 140.

CHAPTER VII.

EXTINCTION AND PREVENTION OF FIRE.

168. Establishment and maintenance of fire-brigade.
169. Power of fire brigade and other persons for suppression of fires.
170. Power to make rules under this chapter.

CHAPTER VIII.

CONTROL.

171. Power of Resident to call for statistics.
172. Power to suspend action of Commission.
173. Extraordinary powers of Resident in case of emergency.
174. Resident may take special measures on outbreak of any dangerous disease.
175. Power to provide for performance of duties in case of default of Commission.

SECTIONS.

176. Powers of Resident over Commission.
177. Power of Resident to supersede Commission in case of incompetency, persistent default or abuse of powers.
178. Power of Resident to frame forms and make rules.

CHAPTER IX

SUPPLEMENTAL.

Prosecutions.

179. Authority for prosecutions.
180. Power to compound offences.
181. How fines are to be applied.
182. Member not to be deemed interested in prosecution.

Rules and Bye-laws.

183. Procedure for making rules.
184. Rules to be available for purchase and inspection.

Notices.

185. Authentication, service and validity of notices.
186. Mode of giving notice to owner or occupier of property.
187. Publication of public notice.

Exemption of Local Areas.

188. Effect of exemption of local area from provisions of the Regulation.

Collection of Sums due to the Commission.

189. Recovery of sums due to the Commission.

Miscellaneous.

190. Precautions to be observed in entering dwellings.
191. Obligation of municipal servants to discharge their duties.
192 Brothels.
193 Relief to agents and trustees.
194. Decision of question as to whether persons are inhabitants.
195. Police officers to report offences to Commissioners.

Draft Regulation to provide for the better management of the Municipal affairs of the Civil and Military Station of Bangalore.

P=Punjab Municipal Act, 1891.
B=Bangalore Municipal Regulations (draft) 1895.

Whereas it is expedient to make better provision for the administration of the Municipal affairs of the Bangalore Civil and Military Station, it is hereby enacted as follows:—

CHAPTER I.

Preliminary.

1. (1) This Regulation may be called "The Bangalore Municipal Regulation of 1896". B. 1.

Short title.

(2) It shall apply to the Civil and Military Station of Bangalore as declared from time to time under this Regulation.

Scope.

(3) And it shall come into force on the passing thereof.

Date of coming into force.

2. (1) The Regulations published in Foreign Department Notification, No. 319 I., dated the 9th February 1883, as amended by subsequent notifications are hereby repealed, but nothing herein contained shall affect the validity of any thing done or suffered or any right, title, obligation or liability, which may have accrued before this Regulation comes into force. B. 2.

Repeal.

(2) And all Municipal Commissioners and officers of the Municipal Commission of the Civil and Military Station of Bangalore appointed, elected or nominated, and all bye-laws or rules prescribed, limits defined, budgets passed, assessments, valuations, measurements, and appointments made, elections held, powers conferred, salaries fixed, notifications published, notices issued, taxes, tolls, rates, cesses and fees imposed or assessed, contracts entered into and suits instituted under any Act or Regulation hitherto in force relating to the matters hereinafter dealt with, shall, so far as may be, be deemed to have been respectively appointed, elected, nominated, prescribed, defined, passed, made, held, conferred, fixed, published, issued, imposed, assessed, entered into, and instituted, under this Regulation.

Saving clause.

3. In this Regulation unless there is something repugnant in the subject or context:

Definitions.

(1) "Station" means the Civil and Military Station of Bangalore as declared under this Regulation:

(2) "Resident" means the Resident in Mysore:

(3) "Commission" means the Municipal Commission of the Civil and Military Station of Bangalore as established by this Regulation:

(4) "Commissioner" means any member of the Commission so established:

(5) "Inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property in the Civil and Military Station of Bangalore as declared under this Regulation:

(6) "Owner" includes the person for the time being receiving the rent or profits of lands and buildings or either of them whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:

(7) "Street" includes any way, road, lane, square, court, alley, passage or open space whether a thoroughfare or not, over which the public have a right of way, and also the road, way and foot way over any public bridge, or causeway:

(8) "Explosive" and "petroleum" have the meanings assigned to those words in the Indian Explosives Act, 1884, and the Petroleum Act, 1886, respectively.

(9) "Notification" means a Notification published under this Regulation in the Official Gazette:

(10) "Notified" means published as aforesaid:

(11) "Rules" and "rule" mean respectively the rules made or to be made and notified by the Resident in Mysore under the authority of this Regulation, and any one of such rules; and

(12) "Bye-laws" and "Bye-law" mean respectively the bye-laws made or to be made by the Municipal Commission of the Civil and Military Station of Bangalore at a special meeting under the authority of this Regulation, and any one of such bye-laws.

new

Governor-General in Council may declare limits of Station.

4. The Governor-General in Council may, from time to time, by Notification, declare what, for the purposes of this Regulation, shall be the area and limits of the Civil and Military Station of Bangalore, and may, at any time, by Notification, alter such area and limits.

5. Except as provided in Section 73 this Regulation shall not apply to any barracks, hospitals, guard-rooms, barrack-yards, hospital enclosures, or other buildings or lands in exclusive possession of the Military authorities for Military purposes, and notified as such by the Governor-General in Council. new.

Exclusion of Military buildings or lands from the operation of this Regulation.

The Governor-General in Council may, by Notification, exempt any local area, buildings, or lands comprised in the Station from the operation of this Regulation or of any of its provisions or of any Rules or Bye-laws framed thereunder and may similarly apply the same to any of the buildings or lands described in Section 5 or to any other local area. P. 199.

Exemption of any local area from the operation of this Regulation, and application thereof to certain local areas.

7. Notwithstanding anything contained in this Regulation the Governor-General in Council may by Notification extend any or all of the provisions of any Cantonment Act or Regulation or of any Rules framed thereunder to any buildings or lands or to any local area comprised in the Station, or to the whole Station, and may similarly cancel such provisions. new.

Extension of Cantonment Acts Regulations or Rules to any part of the Station.

CHAPTER II.

The Commission.

Municipal Constitution.

8. (1). The Municipal affairs of the Station shall be administered by a body to be styled the Municipal Commission of the Civil and Military Station of Bangalore and consisting of a President and twenty five other members. B. 6

Municipal Commission.

(2) Except as provided in Section 16, members shall be appointed by the Resident either by name or by office, or shall be elected from among the inhabitants in accordance with Rules made under this Regulation, or partly the one and partly the other as the Resident may by Notification direct. P. 5.

Provided that—

(a) if the Resident has directed that the elected members shall constitute the whole or any portion of the Commission, he shall not afterwards direct that they shall constitute any smaller proportion thereof except in compliance with the request of a majority of the electors for the time being, or for some reason which the Resident may deem to affect the public interests, and

(b) unless the Governor-General in Council shall otherwise direct, the appointed members who are salaried officers of Government shall not exceed one-third of the whole Commission.

(3) When, under a direction issued under sub-section (2), any places on the Commission are required to be filled by election, and a sufficient number of members are not elected to fill such places the Resident may fill those places by appointment.

P. 6.

Term of office of members.

9. (1) If a member of the Commission is appointed by office, the person for the time being holding the office shall be a member of the Commission until the Resident shall otherwise direct.

(2) The term of office for which all other members of the Commission shall be appointed and elected respectively shall be fixed by the Resident by rules made under this Regulation, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member may if otherwise qualified, be re-elected or re-appointed.

P. 10.

Resignation of member of Commission.

10. (1) Any member of the Commission who may wish to resign may forward his written resignation through the President of the Commission, to the Resident.

(2) When the acceptance of the resignation by the Resident has been communicated to the Commission, the member shall be deemed to have vacated his seat.

P. 11.

Powers of the Resident as to removal of members.

11. (1) The Resident may by Notification remove any member of the Commission—

(a) if he refuses to act, or becomes, in the opinion of the Resident, incapable of acting, or has been declared a bankrupt or an insolvent or convicted of any such offence, or subjected by a Criminal Court to any such order as implies, in the opinion of the Resident, a defect of character which unfits him to be a member,

(b) if he has been declared by Notification in any Government Gazette to be disqualified for employment in, or has been dismissed from the public service,

(c) if he has absented himself for more than three consecutive months from the meetings of the Commission,

(d) if his continuance in office is, in the opinion of the Resident dangerous to the public peace or order; or,

(e) in the case of a salaried officer of the Government, if his continuance in office is, in the opinion of the Resident, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Resident shall otherwise direct.

P. 12.

Filling of casual vacancies.

12. (1) Whenever a vacancy occurs by death, resignation or removal of any elected member, a new member shall be elected in accordance with the rules made under this Regulation to fill the place;

Provided that the Resident may direct in any such case that the vacancy shall be left unfilled.

(2) Upon the death, resignation or removal of any appointed member, the Resident may, if he shall think fit, appoint a new member to fill the place.

(3) Every person elected or appointed to fill a casual vacancy shall hold his seat for the time for and subject to the conditions upon which it was tenable by the person in whose place he has been so elected or appointed, and no longer; but he may, if otherwise qualified, be re-elected or re-appointed.

P. 13.

Notifications of elections, appointments and vacancies.

13. Every election and appointment of a member of the Commission shall be notified by the Resident.

B. 6. P. 13

Incorporation of Commission.

14. (1) The Commission shall be a body corporate by the name of the Municipal Commission of the Civil and Military Station of Bangalore; and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the provisions of this Regulation, to transfer any property held by it, to contract and to do all other things necessary for the purpose of its constitution; and may sue and be sued in its corporate name.

P. 14.

Member of Commission to be Municipal Commissioner.

15. Every member of the Commission shall be deemed to be a Municipal Commissioner within the meaning of any enactment for the time being in force.

President, Vice-President and Officers.

B. 11.

District Magistrate of the Station to be the President of Commission.

16. (1) The office of President of the Commission shall be held, unless otherwise ordered by the Government of India, by the District Magistrate of the Station for the time being.

P. 15. new.

The Vice-Presidents.

17. The Commission may from time to time elect one or two of its members to be Vice-President or Vice-Presidents and the member or

members so elected shall if approved by the Resident hold the office of Vice-President for such term as the Resident may by rule fix.

new. Provided that if the Commission instead of electing a Vice-President shall apply to the Resident to nominate a Vice-President from among its members, or if no election has been made within one month from the occurrence of a vacancy in the office of Vice-President, or if the Resident shall not approve the election of a Vice-President, the Resident may if he shall think fit, appoint one of the members to be a Vice-President for the same term.

P. 17. 18. Upon the occurrence of any vacancy in the office of the Vice-President, a new Vice-President shall be elected or appointed in the manner provided by Section 17.

Casual vacancies in office of Vice-President.

B. 12, 13, amended. 19. (1) The Resident may appoint from time to time such officers of the Commission as he may consider necessary for the due performance of the various duties assigned to it, and may at his pleasure suspend or remove them. Such officers shall receive out of municipal funds such allowances as the Resident, after consulting the Commission, may fix.

Officers to be appointed by the Resident, such as a Medical Officer, an Engineer and a Secretary.

Provided that there shall always be a Medical Officer, an Engineer and a Secretary among the officers of the Commission; and that no other salaried office shall be created by the Resident without the consent of the Commissioners.

(2) The Medical Officer shall be ex-officio a Commissioner. The Engineer and the Secretary may be appointed Commissioners, but they shall not be capable of election.

B. 19. 20. Subject to the provisions of this regulation and rules framed thereunder the Commission may employ in addition to the officers who may be appointed under Section 19, such other officers and servants on salaries not exceeding Rs. 300 per mensem as may be necessary or proper for the efficient execution of its duties, and may remove or dismiss any officer or servant so employed.

Other officers to be appointed by the Commission.

Pensions.

B. 23. 21. (1) All officers and servants of the Commission, entertained in permanent employment on or after the 1st of January 1892, shall be entitled to pensions or gratuities in accordance

Pensions and gratuities to officers and servants.

with the Rules contained in the Civil Service Regulations. Such pensions or gratuities shall be granted by order of the Resident, and shall be paid by the Commission from the Municipal Fund in accordance with such order. For the purpose of meeting such charges a deduction of five per cent shall be made from the salaries of all such officers and servants.

(2) The provisions of sub-section (1) shall be extended to officers and servants who entered the service not more than five years before the 1st of January 1892, provided that a deduction of five per cent shall have been made from the salaries of such officers and servants from the date on which this system came into force, that is to say the 1st of October 1892.

(3) The said provisions may also be extended to officers and servants who entered the service of the Commission more than five years but not more than fifteen years before the 1st of January 1892, provided that they shall have contributed by deduction from their salaries, with effect from the date on which this system came into force, that is to say the 1st October 1892, ten per cent of their salaries for the number of years by which their previous service exceeded five years, and afterwards five per cent.

Special pension or gratuity.

22. The Commissioners may, with the sanction of the Resident, give a gratuity to, or purchase an annuity for, any officer or servant retiring from their service who is not entitled to pension or gratuity under Section 21.

Committees.

now.

The Health Committee.

23. (1) The Commission shall appoint from among its members a standing Health Committee to advise and report upon matters relating to the sanitation, conservancy, food and water supply, registration of vital statistics, vaccination and other matters pertaining to the Health of the Station.

(2) The medical officer shall be a member and *ex-officio* chairman of the Health Committee.

B. 55.

Other Committees.

24. The Commission may from time to time appoint from among its members such other Committees consisting of such number of persons as it shall think fit to advise and report on any matter other than those mentioned in the last preceding section connected with the purposes of this Regulation.

new.

Delegation of executive powers of Commission.

25. (1) The Commission may by Bye-law delegate the current executive administration of any of its duties to a Vice-President, Committee or officer of the Commission, and may similarly resume it.

(2) Provided that when a bye-law has been passed delegating any powers of the Commission as above it shall not be rescinded except at a special meeting and on a vote of a majority of the whole number of the Commission.

(3) In all matters of which the executive administration has not been delegated as above, it shall vest in the President.

Conduct of Business.

P. 19. B. 43. seq.

Time for holding meetings.

26. (1) The Commission shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the bye-laws.

(2) The President or in his absence, a Vice-President may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of the Commission, convene either an ordinary or a special meeting at any other time.

P. 20.

Ordinary and special meetings.

27 (1) Every meeting of the Commission shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless required by this Regulation or the rules to be transacted at a special meeting.

P. 21.

Quorum.

28. (1) The quorum necessary for the transaction of business at a special meeting of the Commission shall be one half of the Commission.

(2) The quorum necessary for the transaction of business at an ordinary meeting of the Commission shall be such number or proportion of the members of the Commission as may, from time to time, be fixed by the bye-laws, but shall not be less than six.

Provided that, if at any ordinary or special meeting of the Commission a quorum is not present, the chairman shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there be a quorum present thereat or not.

P. 22.

Chairman of meeting.

29. At every meeting of the Commission the President, if present, or, in his absence or during the vacancy of his office, the senior Vice-President present, and if there be no President or Vice-President present, then such one of their number as the members present may elect, shall preside as chairman.

P. 23.

Vote of majority decisive.

30. Except as otherwise provided by this Regulation or the rules, all questions which come before any meeting of the Commission shall be decided by a majority of the votes of the members present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

P. 24.

Record and publication of proceedings.

31. (1) Minutes of the proceedings at each meeting of the Commission shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting, shall be published in such manner as the Resident may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant.

(2) A copy of every resolution passed at any meeting of the Commission shall, within three days from the date of the meeting, be forwarded to the Resident.

P. 25.

Bye-laws.

32. (1) The Commission may, from time to time, make bye-laws consistent with this Regulation and with the rules as to—

(a) the time and place of its meetings;

(b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;

(c) the quorum necessary for the transaction of business at ordinary meetings;

(d) the conduct of proceedings at meetings and the adjournment of meetings;

(e) the custody of the common seal and the purposes for which it shall be used;

(f) the person or persons to be primarily responsible for the current executive administration and his or their powers; that is to say, what portion of the executive authority shall be exercised by the President, by a Vice-President, by Committees and by officers of the Commission;

(g) the persons by whom receipts shall be granted on behalf of the Commission for money received under this Regulation;

(h) the appointment, duties, leave, suspension and removal of its officers and servants; and

(i) all other similar matters.

(2) No bye-law made under clause (c) or clause (f) of sub-section (1) shall take effect until it has been approved by the Resident.

(3) Every bye-law made under this section shall be published in such manner as the Resident may direct.

P. 26.

Extraordinary powers of President and Vice-President in case of emergency.

33. In case of emergency the President, or, in his absence or during the vacancy of his office, the Vice-President may direct the execution of any work or the doing of any act which the Commission is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the municipal fund:

Provided that—

(a) he shall not act under this section in contravention of any order of the Commission; and

(b) every direction given under this section shall be reported to the next following meeting of the Commission.

Defects in constitution and irregularities.

P. 28.

Vacancies and irregularities not to invalidate proceedings.

34. No act done or proceeding taken under this Regulation shall be questioned on the ground merely of the existence of any vacancy in the Commission or on account of any defect or irregularity not affecting the merits of the case.

Contracts.

P. 35.
B. 25. seq.

Authority to contract.

35. (1) The Commission may, subject to the provisions of this Regulation delegate to one or more of its members the power of entering on its behalf into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.

(2) No contract by or on behalf of the Commission whereof the value or amount exceeds five hundred rupees shall be entered into until it has been sanctioned at a meeting of the Commission.

P. 36.

Mode of executing contract and transfers of property.

36. (1) Every contract made by or on behalf of the Commission whereof the value or amount exceeds one hundred rupees, shall be in writing, and must be signed by two members of whom the President or a Vice-President shall be one, and countersigned by the Secretary: provided that, when the power of entering into any contract on behalf of the Commission has been delegated under the last foregoing section, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(2) Every transfer of immoveable property belonging to the Commission must be made by an instrument in writing, executed by the President, or Vice-President, and by at least two other members of the Commission, whose execution thereof shall be attested by the Secretary.

(3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the Commission.

P. 37.

Penalty on member, officer or servant being interested in contract made with the Commission.

37. (1) If any member, officer or servant of the Commission is, without the permission in writing of the Resident, directly or indirectly interested in any contract made with the Commission he shall be deemed to have committed an offence under the Indian Penal Code, Section 168.

(2) No member, officer or servant of the Commission shall by reason only of his being a shareholder, in or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the said company and the Commission; but no such person as aforesaid shall take part in any proceedings of the Commission relating to any such contract.

Privileges and Liabilities.

P. 38.

Suits against the Commission and its officers.

38. No suit shall be instituted against the Commission, or against any officer or servant of the Commission in respect of any act purporting to be done in its or his official capacity, until the expiration of one month next after notice in writing has been, in the case of the Commission, delivered or left at its office, and in the case of an officer or servant delivered to him or left at his office or place of abode, stating the cause of action, and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left.

Provided that nothing in this section shall apply to any suit instituted under Section 54 of the Specific Relief Act, 1877.

P. 39.

Liability of members of Commission.

39. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Commission if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the Commission; and a suit for compensation for the same may be instituted against him by the Commission with the sanction of the Resident, or by the Secretary of State for India in Council, in such Court as the Resident may direct.

Acquisition of Land.

P. 40.

Acquisition of land.

40. Where any land within the limits of the Station, is required for the purposes of this Regulation, the Resident may, at the request of the Commission proceed to acquire it under the provisions of the Land Acquisition Act, 1894, and, on payment by the Commission of the compensation awarded under that Act, and of any other charges incurred in acquiring it the land shall vest in the Commission.

CHAPTER III.

TAXATION.

General Provisions.

P. 41.
D. 63. seq.

Taxes which may be imposed.

41. (1) Subject to any general or special orders which the Governor-General in Council may make in this behalf, and to the rules, the Commission may, from time to time, for the purposes of this Regulation, and in the manner directed by this Regulation, impose in the whole or any part of the Station any of the following taxes and tolls, namely:—

(A) with the previous sanction of the Resident:—

(a) a tax on buildings and lands

(i) not exceeding 10 per cent, on the annual value; or

(ii) not exceeding one anna per square yard of the ground area; or

(iii) not exceeding three rupees per running foot of frontage in streets or bazaars

(b) a tax on persons practising any profession or art or carrying on any trade or calling in the Station,

(c) a tax on all or any vehicles, animals used for riding, driving, draught or burden, and dogs, when the vehicles, animals used as aforesaid, and dogs, are kept within the Station,

(d) a toll on vehicles and animals used as aforesaid entering the Station and not liable to taxation under the preceding clause;

(e) a tax upon places used for the retail sale of spirituous and intoxicating liquors;

(f) an octroi on animals or goods or both brought within the octroi limits for consumption or use therein, and

(B) with the previous sanction of the Resident and of the Governor-General in Council, any other tax:

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under clause (d) of this sub-section by paying the tax which would have been leviable in respect thereof under clause (c) if the same had been kept within the Station.

Provided also that no tax or toll shall be levied in respect of B. 120, 130, 140.

(i) any buildings or lands belonging to Government or to the Commission;

(ii) any vehicles or animals belonging to the Government or the Commission;

(iii) cavalry horses and horses being chargers of military officers.

(2) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and, in the case of houses, may be expected to let unfurnished:

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Resident so direct, be deemed to be double the amount of the land revenue for the time being assessed on the land, whether such assessment is leviable or not, or when the land-revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption would have been leviable.

House scavenging tax.

42. When the Commission has, in exercise of the powers conferred by this Regulation, undertaken the house scavenging of any house P. 43. B. 299.

or building, it may charge the owner or occupier of such house or building, in respect of the house scavenging done therein with a tax imposed in the manner directed by this Regulation at such rate as it may think fit.

P. 44.

Water tax.

43. (1) Besides the taxes mentioned in the foregoing sections, the Commission, with the previous sanction of the Governor-General in Council, may, for the purpose of constructing or maintaining works for the supply of water to the Station or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner directed by this Regulation, a tax, to be called the water tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level, but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

P. 45.

Procedure in imposing taxes.

44. (1) The Commission, at a special meeting, may pass a resolution to propose the imposition of any tax under section 41, section 42 or section 43.

(2) When such a resolution has been passed, the Commission shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and a system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the said notice, submit his objection in writing to the Commission, and the Commission shall at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days, or if all such objections, having been considered as aforesaid are deemed insufficient, the Commission may forward its proposal to the Resident, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(5) The Resident on receiving such proposal, may sanction or refuse to sanction the same or return it to the Commission for further consideration.

(6) When any such proposal which requires the further sanction of the Governor-General in Council has been sanctioned by the Resident, he shall submit the same to the Governor-General in Council, with the objections (if any) received through the Commission: and the Governor-General in Council may sanction the proposal or refuse to sanction it, or return it to the Resident for further consideration.

(7) When any proposal of the Commission has been sanctioned by the Resident, or by the Resident and the Governor-General in Council, as the case may be, the Commission may, at a special meeting, direct the imposition of the tax in accordance with such proposal.

(8) In giving such direction, the Commission will fix a date on which the tax shall come into force:—

Provided that—

(a) no tax shall come into force until its imposition has been notified:—

(b) no tax shall come into force in less than three months from the date of the meeting at which its imposition is directed:

(c) a tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July or on the first day of October in any year; and, if it comes into force on any day other than the first day of April, shall be leviable by the quarter till the first day of April then next ensuing.

(9) A notification of the imposition of a tax under this Regulation shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Regulation.

P. 46.

Power to abolish or reduce tax.

45. The Commission may, by a resolution passed at a special meeting and confirmed by the Resident, abolish or reduce in amount any tax imposed under the foregoing sections.

P. 47.

Power to exempt from taxation.

46. (1) The Commission may exempt, in whole or in part, for any period not exceeding one year, from payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same, and may renew such exemption as often as may be necessary.

(2) The Commission may, by resolution passed at a special meeting and confirmed by the Resident, and the Resident may by

order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

P. 49.

Taxes not invalid for defect of form.

47. No assessment and no charge or demand of any tax made under the authority of this Regulation shall be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of form, and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

P. 50.

Taxes when payable.

48. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the Commission may from time to time direct.

P. 51.

Receipts to be given.

49. For all sums paid on account of any tax under this Regulation a receipt, stating the amount and the tax on account of which it has been paid, shall be given by the person receiving the same, on request by the person making the payment.

P. 52. D. 171. seq.

Appeals against Taxation.

50. (1) An appeal against the assessment or levy of any tax under this Regulation shall lie to the District Judge or to such other officer as may be empowered by the Resident in this behalf.

Provided that, when the District Judge or such other officer as aforesaid is a member of the Commission, the appeal shall lie to the Sessions Judge.

(2) The Resident shall have in regard to all such appeals the powers of a High Court under Section 622 of the Code of Civil Procedure.

(3) In every appeal or revision the costs shall be in the discretion of the officer deciding the appeal or revision.

(4) Costs awarded under this section to the Commission shall be recoverable by the Commission as though they were arrears of a tax due from the appellant.

(5) If the Commission fail to pay any costs awarded to an appellant within ten days after the date of the order for payment

thereof, the officer awarding the costs may order the person having the custody of the balance of the Municipal Fund to pay the amount.

P. 53.

Limitation of Appeal.

51. (1) No appeal shall lie in respect of a tax on any land or building, unless it is preferred within seven days after the publication of the notice prescribed by Section 57 (2) or Section 59 or after the date of any final order under Section 58, as the case may be, and no appeal shall lie in respect of any other tax unless it is preferred within seven days from the time when the demand for the tax is made.

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the appellant has paid all Municipal taxes due from him to the Commission up to the date of such appeal.

P. 54.

Taxation not to be questioned except under this Regulation.

52. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Regulation.

P. 55.

Duty of furnishing true information regarding liability to Municipal Taxation.

53. (1) The Commission may, by written communication, call upon any inhabitant of the Station to furnish such information as may be necessary in order to ascertain whether such inhabitant is liable to pay any Municipal tax.

(2) If any inhabitant so called upon to furnish information omits to furnish it or furnishes information which is untrue, he shall be punishable with fine which may extend to one hundred rupees.

Taxes on immoveable property.

P. 56.

Preparation of assessment list.

54. (1) The Commission shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared containing—

(a) the name of the street or division in which the property is situated;

(b) designation of the property, either by name or by number, sufficient for identification;

(c) the names of the owner and occupier, if known;

(d) the annual value, area or length of frontage on which the property is assessed; and

(e) the amount of the tax assessed thereon by the Commission.

(2) For the purpose of preparing the list, the Commission may require the owners or occupiers of the buildings or lands to furnish it with the returns of the measurements and of the rent or annual value.

P. 57.

Publication of notice of assessments.

55. When the assessment list has been completed, the Commission shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any authorized agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

P. 58.

Public notice of time fixed for revising assessment list.

56. (1) The Commission shall at the time of the publication of such assessment list give public notice of a time not less than one month thereafter, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the valuations and assessment shall be made in writing before the time fixed in the notice.

P. 59.

Settlement of list

57. (1) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard, either in person or by authorized agent, as they may think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the Commission, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of April next ensuing as also in the case of a tax then imposed for the first time for the period between the commencement of the tax and such first day of April.

(2) The list when amended under this section shall be deposited in the Commission's office and shall there be open during office hours to all owners or occupiers of property comprised therein, or the agents of such persons, and a public notice that it is so open shall forthwith be published.

P. 60.

Further amendments of assessment list.

58. (1) The Commission may at any time amend the list by inserting the name of any person whose name ought to have been inserted, or by inserting any property which ought to have been inserted, or by altering the assessment or any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the Commission in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent, as he may think fit

P. 61.

New list need not be prepared every year.

59. It shall be in the discretion of the Commission to prepare a new assessment list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment list had been prepared.

P. 62.

Remission of tax on unoccupied immoveable property.

60. (1) When any property assessed to a tax under section 41, sub-section (1), division A; clause (a), or under section 43, which is payable by the year or by instalments has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the Commission may remit the amount of the tax or of the instalment, as the case may be:

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the Commission within the first month of the period in respect of which it is so claimed.

(2) When any such property as aforesaid—

(a) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or

(b) consists of separate tenements one or more of which has or have not been occupied or productive of rent for any such period as aforesaid, or

(c) is wholly or in greater part demolished or destroyed by fire or otherwise, the Commission may remit such portion (if any) of the tax or instalment as it may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(4) For the purposes of this section neither the presence of a care taker nor the mere retention in an otherwise unoccupied dwelling house of the furniture habitually used in it shall constitute occupation of the house.

(5) For the purposes of this section a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

P. 63.

Taxes on immoveable property by whom payable.

61. (1) A tax payable under Section 41, sub-section (1), division (A), clause (a) shall be paid by the owner of the property in respect of which it is payable.

new.

(2) A tax payable under Section 43 shall be paid by the owner or occupier of the property in respect of which it is payable, as the Commission shall determine.

new.

Procedure in assessing profession tax and tax upon places used for the sale of intoxicating liquors.

62. The provision of Sections 54 to 59, both inclusive, shall be followed, so far as they can be applied, in the assessment of a tax levied under Section 41 (1) (A) (b) and (e).

Octroi and Tolls.

P. 65.

Power to examine article liable to octroi.

63. Every person bringing or receiving within the octroi limits of the Station any article on which octroi is payable shall, when required by an officer authorised by the Commission in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine, weigh and otherwise deal with the article; and

(b) communicate to that officer any information and exhibit to him any bill, in-

voice or document of a like nature which he may possess relating to the article.

Power to search where octroi is leviable.

P. 66.

64. If any person bringing or receiving a conveyance or package within the octroi limits of the Station shall refuse, on the demand of an officer authorised by the Commission in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before any Magistrate or member of the Commission, who shall cause the inspection to be made in his presence.

Presentation of bill for octroi.

P. 67.

65. Every officer demanding octroi by the authority of the Commission shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Recovery of octroi and tolls.

P. 68.

66. (1) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle, or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

(2) The Commission may cause any property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale :

Provided that by order of the President or a Vice-President, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

Power to lease the collection of octroi or tolls.

P. 69.

67. The collection of any octroi or toll may be leased by the Commission, with the previous sanction of the Resident, for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi of toll shall in respect thereof :—

(a) be bound by any orders made by the Commission for their guidance;

(b) have such powers exerciseable by officers of the Commission under this Regulation as the Commission may, from time to time, confer upon them, and

(c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the Commission for the management and collection of the octroi or toll.

P. 70.

Penalty for evasion of payment of octroi.

68. If goods passing the octroi boundary of the Station are liable to the payment of octroi, then every person who, with the intention to defraud the Commission or its lessee for the collection of octroi, causes or abets the introduction of, or himself introduces or attempts to introduce, within the said octroi boundary any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to ten times the value of such octroi or to fifty rupees, whichever may be greater.

B. 154, 157, 163, 165 amended.

License for sale of article liable to octroi, failure to obtain such license and sale without such license.

69. (1) The Commission may with the sanction of the Resident which must be notified, require any person selling any article liable to octroi to obtain from the Commission a license for that purpose, and to pay therefor such fees as shall from time to time, with the approval of the Resident, be fixed for the purpose.

(2) After notification of such sanction,

(i) any person selling or keeping for sale any such article without a license or having in his possession any such article on which octroi has not been paid shall be liable on conviction before a Magistrate to a fine not exceeding rupees one hundred, and to confiscation of all such articles in his possession.

(ii) any officer of the Commission authorised by the Commission in this behalf, if he has reason to believe that any such article on which octroi has not been paid is kept or concealed therein, may, after obtaining the warrant of a Magistrate, enter and search at any time any premises.

And if he shall find any such article on which octroi has not been paid therein, he may seize any such article, and may arrest any person in possession of the same,

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the Station within twenty four hours from the time of such seizure or arrest,

Provided also that nothing in this Section shall apply to any such articles not exceeding Rs. 200 in value purchased by any person for his private use or sold by auction consequent on the owner dying or quitting the Station.

(iii) The provisions of the Criminal Procedure Code (Act X of 1882) shall, so far as may be, apply to all search and arrests effected under this section.

(3) The Resident may by notification at any time revoke such sanction, and thereupon a license for the sale of such article shall not be necessary and the other provisions of this section shall in respect of such article cease to have any effect.

B. 166.

Police officers to assist officers of the Commission.

70. In all cases of resistance to the lawful authority of an officer of the Commission duly authorised under Section 69, all police officers shall be bound to assist such officer when required, and for that purpose they shall have the same powers which they have in the exercise of their ordinary police duties.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

P. 71.

Constitution of Municipal Fund.

71. There shall be formed for the Station a Municipal fund, and there shall be placed to the credit thereof

(a) all sums received by, or on behalf of, the Commission under this Regulation or otherwise;

(b) all fines realised in cases in which prosecutions for offences committed within the Station are instituted under this Regulation or the rules or under Section 34 of Act V of 1861; and

(c) the balance (if any) standing at the credit of the Municipal fund of the Station at the commencement of this Regulation.

P. 72.

Application of fund.

72. (1) The Commission shall set apart and apply out of the Municipal fund

(a) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(b) *secondly*, such sum as may be required to meet the charges of its own establishment.

(2) subject to the charges specified in sub-section (1) and to such rules as the Resident may make with respect to priority to be given to the several duties of the Commission, the Municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters namely:—

(a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water courses;

(b) the watering and lighting of such streets or any of them;

(c) the construction, establishment, and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, chattrams, poor-houses, markets, encamping grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums, and other educational or charitable institutions;

(e) the training of teachers and the establishment of scholarships;

(f) the giving of relief and the establishment and maintenance of relief works in time of famine or scarcity;

(g) the supply, storage and preservation from pollution of water for the use of men or animals;

(h) the planting and preservation of plants;

(i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any sanitary measure;

(j) the holding of fairs and industrial exhibitions; and

(k) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the Commission, with the sanction of the Resident, to be an appropriate charge on the Municipal fund.

new.

Contribution by Military authorities.

73. The Commission shall be entitled to receive from the Military authorities an annual contribution the amount of which shall be fixed from time to time by the Governor-General-in Council in respect of all Municipal institutions, roads, works, establishments or arrangements maintained, executed, entertained or effected from the Municipal fund, which contribute to the safety, health, welfare, or convenience of the inhabitants of the buildings and lands specified in Section 5.

B. 37.

Where the fund shall be lodged.

74. The Municipal fund shall be lodged with the branch bank of Madras or such other bank or public treasury as may be hereafter selected by the Commissioners with the sanction of the Resident.

P. 75.

Investment of same.

75. The Commission may from time to time, with the previous sanction of the Resident, invest any portion of its Municipal fund in securities of the Government of India or such other securities as the Governor-General-in-Council may approve in this behalf, and vary such investments for others of a like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the Municipal fund.

P. 76.

Property vested in Commission.

76. Subject to the provisions of Sections 5 and 6 all property of the nature hereinafter in this section specified and situated within the Station shall be vested in and belong to the Commission, and shall, with all other property which may become vested in the Commission be under its direction, management and control, and shall be held and applied by it for the purposes of this Regulation, that is to say:—

(a) all public town-walls, gates, markets, slaughter houses, manure, and night-soil depôts, and public buildings of every description which have been constructed or are maintained out of the Municipal fund;

(b) all public streams, tanks, springs, wells, and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto and also any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains culverts and water courses in, alongside or under any street, and all works, materials and things appertaining thereto;

(d) all dust, dirt, dung, ashes refuse, animal matter or filth or rubbish of any kind, or dead bodies of animals, collected by the Commission from the streets, houses, privies, sewers, or elsewhere or deposited in places fixed by the Commission under Section 115;

(e) all public lands, lamp posts and apparatus connected therewith or appertaining thereto;

(f) all land or other property transferred to the Commission by the Government or by gift, purchase or otherwise for local public purposes;

(g) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

P. 77.

Management of public institutions.

77. (1) The management, control and administration of every public institution maintained out of the Municipal fund shall vest in the Commission.

Provided that the extent of the independent authority of the Commission in respect of any such institution may be prescribed by the Resident.

(2) When any public institution has been placed under the direction, management and control of the Commission, all property, endowments and funds belonging thereto, shall be held by the Commission in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

P. 78.

Transfer to crown of property vesting in Commission.

78. The Commission may, with the sanction of the Resident, transfer to Her Majesty any property vesting in the Commission under Section 76 or Section 77, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER V.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

P. 85.

Power to acquire land for building sites adjoining new streets.

79. When any land is required for a new street, or for the improvement of an existing street, the Commission may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street.

P. 86. Power to close streets.

80. The Commission may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or close permanently any such street, and sell the land or such part thereof as may not be required for the purposes of this Regulation.

P. 87. Power to permit temporary occupation of streets, &c.

81. The Commission may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

P. 88. Power to attach brackets for lamps.

82. The Commission may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

P. 89. Names of streets and numbers of buildings.

83. (1) The Commission may cause a name to be given to any street, and to be affixed on any building in such place as it may think fit, and may also cause a number to be affixed to any building; and in like manner may from time to time, cause such names and numbers to be altered.

(2) Whoever shall destroy, pull down or deface any such name or number or put up any different name or number from that put up by order of the Commission, shall be punishable with fine which may extend to twenty rupees.

P. 90. Roofs and external walls not to be made of inflammable materials.

84. The Commission may direct that within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials without the permission of the Commission in writing; and the Commission may, by written notice, require any person who has disobeyed any such direction, to remove or alter the roofs and walls so made or renewed as it may think fit.

P. 91. Power to regulate line of buildings.

85. (1) Should any building or part of a building project beyond the regular line of a street either existing or determined on for the future, or beyond the front of

the building on either side thereof, the Commission may, whenever such building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require such building or part, when being rebuilt to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the Commission:

Provided that the Commission shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The Commission may, on such terms as it may think fit, allow any building to be set forward for the improvement of the line of the street.

P. 92.

Notice of new buildings.

86. (1) Every person who intends to erect or re-erect any building shall, if required to do so by any bye-law, give notice in writing in the manner hereinafter prescribed of his intention to the Commission and the Commission may within six weeks after the receipt of such notice either refuse to sanction the said building or may sanction the said building either absolutely or subject to any written directions which the Commission may deem fit to issue in respect of all or any of the matters following, namely:—

(a) free passage or way in front of the building;

(b) space to be left about the building to secure free circulation of air and facilitate scavenging, and for the prevention of fire;

(c) ventilation and the provision and position of drains and privies, and the situation of wells;

(d) level and width of foundation, level of lowest floor and stability of structure, and

(e) the line of frontage with neighbouring buildings, if the building abuts on a street;

and the person erecting or re-erecting any such building as aforesaid shall obey all such written directions:

Provided that the Commission shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) Any person giving notice to the Commission under sub-section (1) shall, if

required to do so by any bye-law, along with his notice forward a plan and specification of the building which he intends to erect or re-erect together with a site-plan of the land of such character and with such details as the bye-law may require. No notice under sub-section (1) shall be valid until such plans and specification have been supplied.

(3) In any case to which sub-section (2) does not apply, the Commission may within fifteen days from the receipt of any notice under sub-section (1) require a person who has given such notice to submit within one week of the receipt of the requisition a sufficient plan and specification of the building which he intends to erect or re-erect, together with a site plan of the land, with such reasonable details as the Commission may prescribe in its requisition; and in such case the notice shall not be valid until such plans and specification have been supplied.

(4) Should any such building be begun or erected without giving notice, or without submitting such plans and specification as aforesaid or in contravention of any legal order of the Commission issued within six weeks of receipt of a valid notice under sub-section (1), the Commission may, by notice to be delivered within a reasonable time, require the building to be altered or demolished, as it may deem necessary.

(5) Should the Commission neglect or omit for six weeks after the receipt of a valid notice under sub-section (1) to make and deliver to the person who has given such notice any order in respect thereof, it shall be deemed to have sanctioned the proposed building, provided that the erection or re-erection be otherwise in accordance with the provisions of this Regulation.

(6) Every sanction for the erection or re-erection of any building which shall be given or deemed to have been given by the Commission shall be available for one year from the date on which the notice shall have become valid and complete, and no longer, and, should the building so sanctioned not have been begun by the person who has obtained such sanction or some one lawfully claiming under him within such year, it shall not be begun without fresh sanction; but such person as aforesaid may at any subsequent time give fresh notice to the Commission in the manner herein-before prescribed, and thereupon the provisions hereinbefore contained shall apply to such notice.

P. 93.

Power of Commission to make bye-laws as to mode of construction of buildings.

87. (1) The Commission may by bye-laws regulate in respect of the erection or re-erection of any building within the Station

(a) the materials and method of construction to be used for external and party walls, roofs, floors, doors, fireplaces and chimneys;

(b) the position of fireplaces, chimneys, drains privies and wells;

(c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(d) the number and height of the storeys of which the building may consist; and

(e) the means to be provided for egress from the building in case of fire.

(f) the manner in which notice shall be given to the Commission under Section 86 (1) and (2).

Provided that the Commission may by resolution dispense with the observance of any or all of the bye-laws made under this section in regard to the erection or re-erection of any building specified in the resolution.

(2) If in and during the erection or re-erection of any building any bye-law under this section is contravened, the Commission may, by notice, to be delivered within a reasonable time, require the building to be altered or demolished within the space of thirty days as it may deem necessary

Provided that no such notice shall issue in respect of the contravention of any bye-law of which the observance has been dispensed with under the proviso to sub-section (1).

P. 94.

Definition of expression "erect or re-erect any building."

88. The expression "erect or re-erect any building" includes,

(a) any material alteration or enlargement of any building,

(b) the conversion into a place for human habitation of any building not originally constructed for human habitation,

(c) the conversion into more than one place for human habitation of a building originally constructed as one such place.

(d) the conversion of two or more places of human habitation into a greater number of such places,

(e) such alterations of the internal arrangements of a building as effect an alteration of its drainage or sanitary arrangements, or affect its security, and

(f) the addition of any rooms, buildings, outhouses or other structures to any building.

Removal of projections and obstructions.

89. (1) It shall not be lawful, without the written permission of the Commission, for the owner or occupier of any building to add to, or place against or in front of, the building any projection or structure overhanging projecting into or encroaching on any street or into or on any drain sewer or aqueduct therein. P. 95.

(2) The Commission may, by notice, require the owner or occupier of any building to remove or alter any such projection or encroachment as aforesaid:—

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Regulation, the Commission shall make reasonable compensation for any damage caused by the removal or alteration.

(3) The Commission may by resolution give permission to the owners or occupiers of building in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement wall and at a height from the level of the ground or street, to be specified in the resolution.

Water Pipes, privies and drains.

Troughs and pipes for rain water.

90. The Commission may, by notice, require the owner of any building or land adjoining any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to inconvenience persons passing along the street. P. 121.

Provision of drains, privies, &c.

91. (1) The Commission may, by notice, require the owner of any building or land to remove any cess pool or to remove or provide any drain, privy, or receptacle for filth, or provide any additional drains, privies, or receptacles as aforesaid which should, in its opinion, be provided for the building or land, in such manner as the Commission may direct, or to make to the reasonable satisfaction of the Commission and maintain in good order a drainage connection with any public sewer or drain not situated more than one hundred feet from such building or land as aforesaid: P. 122.

Provided that the said owner shall not be liable for any default in making or maintaining such drainage connection if the land through which the said drainage connection is required to pass does not belong to him, and he can prove that the default is caused by the act of the owner or occupier of such last-mentioned land.

(2) The Commission may, by notice, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The Commission may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the Commission may direct, any door or trap-door of a privy opening on to any street or drain.

P. 123.

Repair and closing of drains and privies.

92. (1) The Commission may, by notice, require the owner or occupier of any building or land to repair, alter or put in good order any drain or privy or to close any drain or privy belonging thereto.

(2) The Commission may, by notice, require any person who may construct any new drain or privy without its permission in writing or contrary to its directions or Bye-laws or to the provisions of this Regulation, or who may construct, rebuild or open any drain or privy which it has ordered to be demolished or stopped up or not to be made, to demolish the drain or privy or to make such alteration therein as it may think fit.

P. 124.

Unauthorised buildings over drains, &c.

93. The Commission may, by notice, require any person who without its permission in writing may newly erect or rebuild any building over any sewer, drain, culvert, water course or water pipe vested in the Commission to pull down or otherwise deal with the same as it may think fit.

Dangerous buildings and places.

P. 127.

Power to require buildings, wells, tanks &c., to be secured.

94. Should any building, or any well, tank, reservoir, pool, depression or excavation be, for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working therein or in the neighbourhood the Commission may, by notice, require the

owner or occupier thereof to repair, protect or enclose the same; and should it appear to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps to avert the danger as may be necessary.

P. 128.

Building &c. in ruinous or dangerous state.

95. Should any building, wall or structure or anything affixed thereto, or any bank or tree, be deemed by the Commission to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to romove the same or to cause such repairs to be made to the building, wall, structure or bank as the Commission may consider necessary for the public safety; and should it appear to it to be necessary in order to prevent imminent danger, the Commission shall forthwith take such steps to avert the danger as may be necessary.

Buildings and lands in Unsanitary condition

P. 129.

Power to require owner to clear away noxious vegetation.

96. The Commission may, by notice, require the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth which may appear to the Commission to be injurious to health or offensive to the neighbourhood.

P. 130.

Power to require hedges and trees to be trimmed.

97. The Commission may, by notice, require the owner or occupier of any land to cut or trim within three days the hedges growing thereon and bordering on any street or any branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

P. 131.

Cleansing of filthy buildings or land.

98. Should the owner or occupier of any building or land suffer the same to be in a filthy or unwholesome state, the Commission may, by notice, require him within twenty four hours to cleanse the same or otherwise put it in a proper state.

P. 132.

Power to prohibit use for human habitation of buildings unfit for such use.

99. Should any building, or any part of any building, appear to the Commission to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason the Commission may, by notice, prohibit the owner or occupier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the reasonable satisfaction of the Commission.

P. 133.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

100. The Commission may, by notice, require the owner, or part-owner or person claiming to be the owner or part-owner, of any building or land which, by reason of abandonment or disputed ownership or other cause, has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

P. 134.

Cultivation, use of manure or irrigation, injurious to health, after prohibition.

101. (1) The Resident may, on the report of the Commission that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the Station is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of such crop, the use of such manure or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent the injury.

Provided that, when on any land to which such notification applies the act prohibited has been practised during the five years next preceding the notification in the ordinary course of husbandry, compensation shall be paid from the Municipal fund to all persons interested therein for any damage caused to them by the effect of such notification.

(2) Should any person disobey any notification issued under sub-section (1), he shall be punishable with fine which may extend to fifty rupees and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Sources of Water Supply.

P. 126.

Power to require removal of nuisance arising from tanks and the like.

102. The Commission may, by notice, require the owner or occupier of any land or building to cleanse, repair, temporarily close, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the Commission to be likely to be injurious to health or offensive to the neighbourhood :

Provided that, if for the purpose of effecting any drainage under this section it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the Commission shall provide such land or pay such compensation.

P. 125.

Removal of latrines, etc., near any source of water supply.

103. The Commission may, by notice, require any owner or occupier on whose land any drain, latrine, urinal or receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

P. 96.

Bathing and Washing places.

104. The Commission may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and any other act by which water in public places may be rendered foul or unfit for use.

Regulation of manufacture, production, preparation and sale of articles of food and drink.

P. 137.

Power for Commission to regulate manufacture, preparation and sale of food and drink.

105. The Commission may, by bye-law—

(a) prohibit the manufacture, production or preparation for sale of any specified articles of food or drink in any premises not licensed by the Commission;

(b) regulate the grant and withdrawal of licenses to premises for the manufacture, production or preparation for sale of such specified articles of food or drink;

(c) regulate the hours and manner of transport within the Station of any specified articles of food or drink;

(d) fix the places in which any specified article of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale;

(e) provide for the inspection and control of any premises or places licensed or fixed under clauses (b) and (d).

Provided that no person shall be punishable for breach of any bye-law made under clause (a) or clause (d) of this sub-section

by reason of the continuance of such manufacture, preparation or exposure for sale, or sale upon any premises which are at the time of the making of such bye-law used for such propose until he has received from the Commission six months' notice in writing to discontinue such manufacture, preparation or exposure for sale or such sale in such premises.

Offensive and Dangerous Trades.

P. 135. 106. (1) The owner or occupier of every place within the Station used for any of the following purposes, namely;

Regulation of offensive and dangerous trades.

depositing or washing soiled clothes;

boiling paddy;

melting tallow or sulphur;

boiling or storing bones, offal, blood or rags;

washing or drying wool or hair;

as a soap house camphor or oil boiling house, dyeing house or tannery;

as a brick kiln, pottery or lime-kiln;

as any other manufactory or place of business from which offensive or unwholesome smells arise;

as a yard or depot for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material;

as a store-house for any explosive or for petroleum or any inflammable oil or spirit,

shall in April every year or, in the case of a place newly opened, before the opening of the same, apply to the Commission for a license for the use of such place for any of the purposes aforesaid.

(2) The license shall not be withheld unless the Commission consider that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(3) The Commission may charge fees according to a scale to be approved by the Resident for such licenses, and may impose such conditions in respect thereof as it may think necessary

(4) Whoever, without such a license, uses any such place for any such purpose as aforesaid shall be punishable with fine which may extend to fifty rupees, and with a further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

107. (1) Whenever it is shown to the satisfaction of the Commission that any place licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the Commission may, by notice, require the occupiers thereof to discontinue the use of such place, or to use it in such manner as will, in the opinion of the Commission, render it no longer a nuisance or dangerous. P. 136.

Power to prohibit such trades.

(2) Whoever, after any such notice has been given, uses such place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with a further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Slaughter places.

108. (1) The Commission may fix premises for the slaughter of animals for sale, or of any specified description of such animals, and may grant and withdraw licenses for the use of such premises, or, if they belong to the Commission charge rent or fees for the use of the same. P. 98.

Places for slaughter of animals for sale.

(2) When any such premises have been fixed, no person shall slaughter any such animal for sale at any other place.

(3) Should any one slaughter for sale any such animal at any other place he shall be punishable with fine which may extend to twenty rupees.

109. (1) The Commission may by bye-law fix premises in which the slaughter of animals of any particular kind not for sale shall be permitted, and prohibit, except in case of necessity, such slaughter elsewhere. P. 99.

Places for slaughter of animals not for sale.

Burial and burning places.

110. (1) The Commission may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose. P. 101.

Powers in respect of burial and burning places.

(2) Private burial places in such burial grounds may be excepted from the notice, subject to such conditions as the Commission may impose in this behalf:

Provided that the limits of such burial places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the commencement of this Regulation, without the permission in writing of the Commission.

(4) Should any person bury or burn, or cause or permit to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

P. 102.

Removal of corpses.

111. The Commission may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable materials.

P. 103.

Inflammable materials.

112. The Commission may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting wood, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

P. 104.

Prohibitions for prevention of fire.

113. The Commission may by bye-law prohibit the lighting of fires in the top storey of any building which by reason of its contiguity to other buildings might be a source of danger to the latter in the event of a fire breaking out within it, and the walls of which storey do not exceed seven feet in height, or the placing of stands for lamps and candles in any position which the Commission may deem to be dangerous to the public safety.

P. 105.

Prohibition of excessive storage of petroleum.

114. The Commission may by bye-law prohibit the storage of more than a fixed maximum quantity of any explosive, petroleum, spirit, naphtha or other inflammable material in any building not registered or licensed under Section 106.

General Conservancy.

P. 97.

Removal and deposit of offensive matter.

115. The Commission may fix places within the limits of the Station for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such

refuse, rubbish or offensive matter or dead bodies of animals may be transported along any street and deposited at or removed from such places.

Special provision with respect to disposal of dead bodies of animals.

P. 100.

116. (1) Whenever any animal in the charge of any person dies otherwise than by slaughter either for sale or for some religious purpose, the person in charge thereof shall within twenty four hours either—

(a) convey the carcase to a place (if any) fixed by the Commission under the last preceding section for the disposal of the dead bodies of animals, or

(b) give notice of the death to the Commission, whereupon the Commission shall cause the carcase to be disposed of.

(2) Every person bound to act in accordance with sub-section (1) shall, if he fail so to act, be punishable with fine which may extend to ten rupees.

(3) In respect of the disposal of the dead body of an animal under clause (b) of sub-section (1) the Commission may charge such fee as it may, by bye-law, have prescribed.

(4) For the purpose of this section the word "animal" shall be deemed to mean all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine, and other large animals.

House Scavenging.

Definition of house scavenging.

P. 111.

117. The removal of filth, rubbish, ordure or other offensive matter from a privy, or common receptacle for such matter in or pertaining to a house, building or enclosure is called house-scavenging.

Undertaking by Commission of house scavenging generally.

P. 112.

118. (1) The Commission may at any time undertake the house-scavenging of any house, building or enclosure on the application or with the consent of the occupier.

(2) The Commission may, by public notice, undertake the house-scavenging of any houses, buildings or enclosures from any date not less than two months after issue of the notice.

(3) The occupier of any house, building or enclosure affected by the notice may at any time after the issue thereof apply to the Commission to exclude that house, building or enclosure from the notice.

(4) The Commission shall consider and pass orders upon every such application

within six weeks of the receipt thereof, and may by any such order exclude such house, building or enclosure from the notice.

(5) In deciding whether to exclude any house, building or enclosure from the notice, the Commission shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier (if any) and the purpose to which he applies the matter dealt with in house-scavenging.

P. 113. Savings in favour of agriculturists.

119. Notwithstanding anything in the last foregoing section, the Commission shall not, except in accordance with the provisions of this chapter, without the consent of the occupier, undertake the house-scavenging of any house or building occupied by an agriculturist who himself cultivates land within the Station.

P. 114. Continuance of house scavenging once undertaken by Commission.

120. When once the Commission has undertaken the house-scavenging of any house, building or enclosure under this chapter, it may continue to perform such house-scavenging with or without the consent of the occupier for the time being of such house, building or enclosure.

P. 115. Obligation of Commission to perform house-scavenging properly.

121. When the Commission has undertaken the house-scavenging of any house, building or enclosure, it shall be bound to perform the same properly until it shall have relieved itself of the obligation by an order under Section 118, sub-section (4).

P. 116. Powers of municpal servants for house-scavenging purposes.

122. The servants of the Commission employed in house-scavenging may at all reasonable times do all things necessary for the proper performance of any house-scavenging undertaken by the Commission.

P. 117. Vesting in Commission of collections from house-scavenging.

123. All matter removed by the servants of the Commission in the course of house-scavenging shall belong to the Commission.

P. 119. Punishment of agriculturists for negligence.

124. (1) Should an agriculturist who himself cultivates land within the Station fail to provide for the proper house-scavenging of any house, building or enclosure occupied by him the Commission may complain to any Magistrate of the first class.

(2) The Magistrate receiving the complaint shall hold an enquiry, and should it appear to him that the agriculturist has not provided for the proper house-scavenging of the house, building or enclosure, he may pass an order empowering the Commission to undertake the same, and thereupon the Commission shall be entitled to undertake such house-scavenging.

(3) The order of the Magistrate passed under sub-section (2) shall be final.

Dangerous animals.

P. 138.

Destruction of mad dogs.

125. (1) The Commission may, by any person authorised by it in this behalf, destroy or cause to be destroyed, or confine or cause to be confined for such period as the Commission may direct, any dog suffering from rabies or reasonably suspected to be suffering from rabies.

(2) No damages shall be payable in respect of any dog destroyed under this section.

B. 375.

Information to be given of dangerous infectious disease of horse or cattle.

126. Every person, within whose premises any horse or cattle may be attacked with any contagious disease, such as anthrax, glanders, or other disease of an infectious character, shall give immediate notice of the fact to the Commission and use such sanitary or other precautionary measures as he may, by notice from the Commission, be directed to adopt, to prevent the disease spreading, and, if necessary shall remove such animals.

Infection.

127. Whoever—

P. 139.

Information to be given of cholera or small-pox.

(a) being a medical practitioner or a person openly and constantly practising the medical profession, and in the course of such practice becoming cognizant of the existence of cholera, small-pox or other dangerous infectious disease in any dwelling other than a public hospital, or, in default of such medical practitioner or person practising the medical profession,

(b) being the owner or occupier of such dwelling, and being cognizant of the existence of such disease, or, in default of such owner or occupier,

(c) being the person in charge of or in attendance on any person suffering from such disease in such dwelling, and being cognizant of the existence of the disease therein,

fails to give information in such manner as the Commission shall by bye-law direct or gives false information to the Commission, respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees:

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be punishable if it be shown that he had reasonable cause to suppose that the information had been or would be duly given.

P. 140.

Removal to hospital of persons suffering from dangerous infectious disease.

128. When any person suffering from any dangerous infectious disease is,

(a) without proper lodging or accommodation, or

(b) living in a chattram or other public hostel, or

(c) living in a room or house which he neither owns nor pays rent for, or

(d) lodged in premises occupied by members of two or more families,

The Commission, by any person authorised by it in this behalf, may, on the advice of any medical officer of rank not inferior to that of an Assistant Surgeon, remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

P. 107.

Power to order disinfection and cleansing of buildings.

129. The Commission by any person authorised by it in this behalf, may, by notice, direct all or any part of any building in which there has recently been any person suffering from any dangerous infectious disease as aforesaid to be forthwith internally or externally lime-washed or otherwise cleansed or disinfected.

B. 369.

Power to order destruction of infected articles.

130. The Commission by any person authorised by it in this behalf, may direct the destruction or disinfection of bedding, clothing or other articles likely to retain the infection of any dangerous infectious disease giving compensation for the articles destroyed.

B. 372. 373.

Public conveyance required to convey infected person.

131. (1) No owner or driver of a public conveyance shall be required to convey any person suffering from any dangerous infectious disease without payment or tender of a sum sufficient to cover the loss and costs which he must

incur for the purpose of disinfecting such conveyance, anything in this Regulation relating to public conveyances for the time being in force to the contrary notwithstanding.

(2) Every owner or driver of a public conveyance shall immediately provide for the disinfection of the conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disease, and if he fails to do so he shall be liable to a penalty not exceeding fifty rupees.

Penalty for letting infected rooms.

132. Any person knowingly letting a house, or other building or part of a house or building, in which any person has been suffering from a dangerous infectious disease, without having such house, or other building or part thereof, and all articles therein liable to retain infection, disinfected to the satisfaction of a medical practitioner, as testified by such officer's certificate, shall be liable to a penalty not exceeding two hundred rupees. B. 374.

For the purpose of this section a hotel or lodging-house-keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging-house.

Prohibition by Commission of use of unwholesome water.

133. Should the Commission consider that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, it may by public notice prohibit the removal or use of such water or temporarily close the well. P. 141.

Powers of Entry.

Inspection of drains and privies.

134. (1) The Commission, by any person authorised by it in this behalf, may, between sunrise and sunset, enter into any building or upon any land, and inspect any drains or privies therein or thereon, and may cause the ground to be opened where such person as aforesaid may think fit for the purpose of preventing or removing any nuisance arising from the drains or privies. P. 106.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it be found that no nuisance exists, or but for such opening would have arisen, the ground or portion of any building, drain or other work, if any, opened, injured or removed for the purpose of such inspection shall be filled in, reinstated and made good by the Commission.

(3) No building other than a latrine shall be entered under this section until six hours' notice in writing has been given to the occupier of the building by the Commission or by the person authorised by the Commission to make the entry.

B. 365.

Power of entry for purpose of preventing spread of disease.

135. The Commission, by any person authorised by it in this behalf, may, at any time, enter any building in which any dangerous infectious disease is reputed or suspected to exist, for the purpose of preventing the spread of the same.

P. 108.

Other powers of entry on buildings or land.

136. The Commission, by any person authorised by it in this behalf, after giving twenty four hours' notice to the occupier or, if there be no occupier, to the owner of any building or land, may at any time between sunrise and sunset—

(a) enter on and survey and take levels of any land;

(b) enter, inspect and measure any building for the purpose of valuation;

(c) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Regulation empowered to execute or maintain.

P. 109.

Power to enter for discovery of vehicles or animals liable to taxation.

137. The Commission, by any person authorised by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Regulation for which a license has not been duly taken out.

P. 110.

Power to inspect places for sale of food, or drink, etc., and to seize unwholesome articles exposed for sale.

138. The Commission, by any person authorised by it in this behalf, may, at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, animal or drug which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption

and, in case it is reasonably suspected that any drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause the owner thereof to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for orders as to the disposal of the said drug.

P. 120.

Search for inflammable or explosive material in excess of authorised quantity.

139. (1) The Commission may at any reasonable time, by any person authorised by it in writing in this behalf, enter upon and inspect any house or building which is suspected to contain petroleum, explosive or other inflammable material, in excess of the quantity permitted to be kept in such house or building under the provisions of this Regulation or of any rule, bye-law or public notice made or published thereunder.

(2) Should any such excess quantity of such material be discovered, it may be seized and held subject to such order as a Magistrate may pass with respect to it.

(3) If the Magistrate decide that the material seized was stored in the house or building contrary to the provisions of this Regulation or of any rule, bye-law or public notice made or published thereunder, he shall pass an order confiscating the same.

(4) Subject to any general rules for the time being applicable thereto the material so confiscated may be sold by order of the Magistrate, and the proceeds, after defraying the expenses of such sale, shall be credited to the Municipal fund.

(5) No order of confiscation under this section shall operate to prevent any other criminal or civil proceedings to which the person storing the material in excessive quantity may be liable.

Power to make Bye-laws.

P. 143.

Power to make bye-laws.

140. (1) The Commission may, by bye-law—

(a) render licenses necessary for the proprietors or drivers of vehicles, or animals kept or plying for hire or for profit within the limits of the Station, and fix the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(b) limit the rates which may be demanded for the hire of any carriage, cart, or other conveyance, or of animals hired to carry loads, or for the services of persons hired to

carry loads, and the loads to be carried by such conveyances, animals or persons when hired within the Station for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours ;

(c) provide for the proper registration of births, marriages and deaths, and for the taking of a census;

(d) fix, and from time to time vary, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family ; and provide—

(i) for the registration and inspection of such buildings;

(ii) for promoting cleanliness and ventilation in such buildings;

(iii) for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings; and

(iv) generally for the proper regulation of such buildings;

(e) provide—

(i) for the inspection and proper regulation of encamping-grounds, pounds, chattrams, markets, dhobis' ghats, flour-mills and slaughter-houses;

(ii) for keeping in proper repair or preventing the disfigurement of any building or wall adjoining a street ;

(iii) for preventing injury to any public property ;

(iv) for the holding of fairs and industrial exhibitions within the Station or under the control of the Commission, and for fixing fees to be levied thereat;

(v) for controlling and regulating the use and management of burial and burning grounds ;

(vi) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use ; and of all pipes, reservoirs, stand pipes or other works connected with a water supply ;

(f) where the collection of an octroi has been sanctioned, fix octroi-limits for the purpose of collecting the same, the routes by which articles liable to octroi should be brought into the Station, and the octroi posts at which they shall be liable to inspection, examination and weighment under section 63.

(g) regulate the exhibition of tables of octroi, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the Station;

(h) require and regulate—

(i) the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the Station;

(ii) the appointment by owners of buildings or lands in the Station who are not resident in the Station, of persons residing within or near the Station to act as their agents for all or any of the purposes of this Regulation or any rule thereunder;

(j) regulate the assessment and collection of any tax imposed under this Regulation and the fees payable in respect of notices of demand or of distraint;

(k) control and regulate the admission within the Station limits for the purpose of sale of the flesh (other than cured or preserved meat) of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Regulation;

(l) provide for and regulate the destruction or segregation of stray dogs or animals suffering from contagious disease; and

(m) generally provide for carrying out the purposes of this Regulation.

Provided that no bye-law made under clause (a) or clause (b) in this Regulation shall apply to any vehicle to which the Hackney Carriage Act, 1879, applies.

(2) Bye-laws under clause (g) may, among other matters, provide a period of limitation after which no claim for refund of octroi shall be entertained, and also that no such refund shall be made when the amount thereof would be less than one rupee.

Penalty for infringement of bye-law.

141. (1) In making any bye-law under any section of this chapter, the Commission may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues. P. 145.

(2) In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as lies within his power.

Supplemental.

P. 146. Confirmation of bye-law.

142. (1) No bye-law made under any section of this chapter shall come into force until it has been confirmed by the Resident and published for such time and in such manner as the Resident may prescribe in this behalf.

(2) The Resident may cancel his confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.

P. 147. Execution of acts required to be done by any notice.

143. (1) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation, it shall fix a reasonable time for doing the same.

(2) Whenever it is provided by this Regulation that any such notice may be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them.

Provided that in any such case, where there is no owner resident within the Station, the delivery of such notice to the occupier shall be sufficient.

(3) Whenever the terms of any such notice have not been complied with, the Commission may, after six hours' notice, by its officers, cause the act to be done.

P. 148. Recovery of costs of execution.

144. (1) Where, under this Regulation, the owner or occupier of property is required by the Commission to execute any work and default has been made in complying with the requirement, and the Commission has executed the work, the Commission may recover the cost of the work from the person in default.

(2) As between themselves and the Commission both owner and occupier shall be deemed to be in default for the purposes of this section, but that one of them shall be deemed to be primarily in default upon whom as between landlord and tenant the duty of doing the required act would properly fall either in pursuance of the contract of tenancy or by law.

(3) When the person primarily in default is the owner, and the Commission has recovered the whole or any part of the cost from the occupier, or he has paid the same upon its demand, he may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner, or otherwise recover it from such owner:

(4) Provided that no occupier shall be required to pay under sub-section (3) any sum greater than the amount for the time being due from him to the owner, either in respect of rent due at the date of such demand as aforesaid or thereafter accruing unless he has refused on application to him by the Commission truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the Commission from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(5) All money recoverable by the Commission under this section may be recovered in the manner provided in Section 189.

(6) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of Municipal fund.

145. (1) The Commission may make compensation out of the Municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the Commission, its officers and servants, under this Regulation, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised. P. 149.

(2) Should any dispute arise touching the amount of any compensation which the Commission is required by this Regulation to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1894, with reference to the acquisition of and payment of compensation for land for public purposes so far as it can be made applicable.

Appeals from orders of Commission.

146. (1) Any person aggrieved— P. 150.

(a) by the prohibition by the Commission under Section 86 of the erection or re-erection of a building, or

(b) by a notice from the Commission under sub-section (4) of Section 86 or sub-section (2) of Section 87, requiring the alteration or demolition of a building, or

(c) by any order made by the Commission under the powers conferred upon it by Sections 99, 107 or 110,

may appeal within thirty days from the date of such prohibition, notice or order to the District Judge, and no such prohibition,

notice or order shall be liable to be called in question otherwise than by such appeal :

Provided that, if the District Judge be himself a member of the Commission, the appeal shall lie to the Sessions Judge.

(2) The appellate authority may, if it shall think fit, extend the period allowed by sub-section (1) for appeal.

(3) The Resident shall have, in regard to all such appeals the powers of a High Court under Section 622 of the Code of Civil Procedure.

CHAPTER VI.

Offences affecting the Public Health, Safety or Convenience.

P. 152.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

147. Whoever, without the permission of the Commission or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

P. 153.

Discharging sewage.

148. Whoever, without the permission of the Commission, causes or knowingly or negligently allows the water of any sink or sewer or any other offensive matter, to flow, drain or be put upon any street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

P. 154.

Failure to remove offensive matter.

149. Whoever, being the owner or occupier of any building or land, keeps or knowingly or negligently allows to be kept

(a) for more than twenty-four hours, or

(b) otherwise than in some proper receptacle,

any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

P. 155.

Making or altering drains without authority.

150. Whoever, without the permission of the Commission, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commission shall be punishable with fine which may extend to fifty rupees.

P. 156.

Penalty for making or keeping latrines, &c., near any source of water-supply.

151. Whoever, without the permission of the Commission, makes or keeps for a longer time than one week after notice under Section 103 any drain, latrine, urinal, or receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use shall be punishable with fine which may extend to twenty rupees, and, after service of notice, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

P. 157.

Keeping animals so as to be injurious to health

152. Whoever keeps any swine in disregard of any orders which the Commission may give to prevent them from becoming a nuisance, or keeps any other animal so as to be injurious to the health of the inhabitants or of animals or so as to become a nuisance, shall be punishable with fine which may extend to twenty rupees and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

P. 158.

Feeding animals on deleterious substances.

153. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind shall be punishable with fine which may extend to fifty rupees.

P. 159.

Driving vehicles without proper lights.

154. Whoever drives any vehicle after dark in any street at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

P. 160.

Discharging fire-arms, &c.

155. Whoever discharges fire-arms or lets off fire-works or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

P. 161.

Control of elephants or camels.

156. Whoever, being in charge of any elephant, camel or bear, omits on being requested to do so to remove as far as may be practicable his elephant, camel or bear to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

P. 162.

Taking elephants along public roads.

157. Whoever, contrary to any orders of the Commission, takes an elephant along a street shall be punishable with fine which may extend to twenty rupees.

P. 163.

Suffering dogs to be at large.

158. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street shall be punishable with fine which may extend to twenty rupees.

P. 164.

Altering, obstructing or encroaching upon streets.

159. Whoever, without the permission of the Commission, alters, obstructs or encroaches upon any street, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street, or deposits building-materials or makes any hole or excavation on or in any street, or removes material from beneath any street so as to occasion risk of surface subsidence, shall be punishable with fine which may extend to fifty rupees.

P. 165.

Quarrying, blasting, cutting timber or building.

160. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

P. 166.

Picketing animals and collecting carts.

161. Whoever, contrary to the orders of the Commission, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

P. 167.

Carrying corpses by prohibited routes or so as to cause annoyance.

162. Whoever carries a corpse along a route prohibited by the Commission, or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

P. 168.

Destroying direction-posts, lamp-posts, &c.

163. Whoever, without being authorised by the Commission, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any public place, shall be punishable with fine which may extend to ten rupees.

P. 169.

Penalty for disobedience of orders of Commission under last Chapter.

164. Whoever disobeys any lawful direction given by the Commission by public notice under the powers conferred upon it by the last foregoing Chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the Commission to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

P. 170.

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Regulation, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Regulation.

B. 426.

Penalty for obstructing persons employed by the Commissioners in their duty.

165. Whoever obstructs or molests the Commissioners, or any person employed by them, or any person with whom they have contracted under the provisions of this Regulation, in the performance of their or his duty, or who obstructs any such person or any other person from doing anything which he is empowered or required to do by virtue of this Regulation;

or removes any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Regulation;

shall be liable to a fine not exceeding two hundred rupees.

P. 171.

Prosecution to be suspended in certain cases.

166. When any order of the kind specified in Section 107, Section 110 and Section 164 is subject to appeal, and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

P. 172. 167. Should the flesh of any cattle, sheep, goat or swine be brought within municipal limits in contravention of any bye-law made under Section 140 it may be seized by any officer of the Commission authorized in that behalf, and may be destroyed or otherwise disposed of as the Commission may direct.

Disposal of certain imports seized under any bye-law made under Section 140.

CHAPTER VII.

Extinction and Prevention of fire.

P. 172. 168. For the prevention and extinction of fire the Commission may establish and maintain a fire-brigade and may provide any implements, machinery or means of communicating intelligence which the Commission may think necessary for the efficient discharge of their duties by the brigade.

Establishment and maintenance of fire-brigade.

P. 173. 169. (1) On the occasion of a fire in the Station any Magistrate, the Field Officer of the week of the Bangalore Garrison, the District Superintendent of Police, the Secretary of the Commission, any member of the Commission, any member of a fire-brigade maintained by the Commission, then and there directing the operations of men belonging to the brigade, and (if directed so to do by a Magistrate or by the District Superintendent of Police) any Police-officer above the rank of constable, may—

Power of fire-brigade and other persons for suppression of fires.

(a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property;

(b) close any street or passage in or near which any fire is burning;

(c) for the purpose of extinguishing the fire break into or through or pull down, or cause to be broken into or through or pulled down, or used for the passage of hoses or other appliances, any premises;

(d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;

(e) call on the persons in charge of any fire-engine to render such assistance as may be possible; and,

(f) generally, take such measures as may appear necessary for the preservation of life or property.

(2) No person shall be liable to pay damages for any act done by him under subsection (1) in good faith.

(3) Any damage done in the exercise of a power conferred, or a duty imposed, by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

P. 174.

Power to make rules under this Chapter.

170. The powers conferred by the last foregoing section shall be subject to any Regulations, conditions, or restrictions, which may be imposed by rule.

CHAPTER VIII.

CONTROL.

B. 67.

Power of Resident to call for statistics.

171. The Resident may at all times call for such reports and statistics connected with the working, income and expenditure of the Commission as he deems fit; and the Commission shall forthwith comply with such requisition.

P. 177.

Power to suspend action of Commission.

172. The Resident may, by order in writing, suspend the execution of any resolution or order of the Commission, or prohibit the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

P. 178.

Extraordinary powers of Resident in case of emergency.

173. (1) In cases of emergency the Resident may provide for the execution of any work, or the doing of any act, which the Commission is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the Commission.

(2) Should the expense be not so paid, the Resident may make an order directing the person having the custody of the balance of the Municipal fund to pay the expense, or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.

Bo. Act 3 of 1888, Sec. 431.

Resident may take special measures on outbreak of any dangerous disease.

174. (1) In the event of the Station being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being

likely to be introduced into the Station amongst cattle—including under this expression sheep or goats,

the Resident, if he thinks the ordinary provisions of this Regulation or of any other law at the time in force are insufficient for the purpose, may

(a) order the Commission to take such special measures, and

(b) by public notice prescribe such temporary Regulations to be observed by the public or by any person or class of persons,

as he shall deem necessary to prevent the out break of such disease or the spread thereof.

(2) The Resident shall forthwith report to the Governor General in Council any orders and any Regulations issued or prescribed by him under sub-section (1).

P. 179.

Power to provide for performance of duties in case of default of Commission.

175. (1) When the Resident after due enquiry is satisfied that the Commission has made default in performing any duty imposed upon it under this Regulation, he may, by an order in writing, fix a period for the performance of that duty; and, should it not be performed within the period so fixed, he may appoint some person to perform it and may direct that the expense thereof shall be paid within such time as he may fix by the Commission.

(2) Should the expense be not so paid, the Resident may make an order directing the person having the custody of the balance of the municipal fund to pay the expense or so much thereof as may from time to time be possible from that balance, in priority to all other charges against the same.

P. 181.

Powers of Resident over Commission.

176. (1) The Resident shall be bound to require that the proceedings of the Commission shall be in conformity with law and with the rules in force under any enactment for the time being applicable to the Station generally or to the areas over which the Commission has authority.

(2) The Resident may exercise all powers necessary for the performance of this duty, and may, among other things, by order in writing, annul or modify any proceeding which he may consider not to be in conformity with law or with such rules as aforesaid.

P. 182.

Power of Resident to supersede Commission in case of incompetency, persistent default or abuse of powers.

177. (1) Should the Commission be incompetent to perform, or persistently make default in the performance of, the duties imposed on it by or under this or any other enactment, or exceed or

abuse its powers, the Resident may, with the previous approval of the Governor General in Council, by Notification, in which the reasons for so doing shall be stated, declare the Commission to be superseded:

Provided that, in case of public emergency, such notification may be issued without the previous approval of the Governor General in Council, but shall be forthwith reported to the Governor General in Council and shall be subject to his orders.

(2) When the Commission is so superseded, the following consequences shall ensue:—

(a) all members of the Commission shall, from the date of the notification, vacate their seats:

(b) all powers and duties of the Commission may, until the Commission is reconstituted, be exercised and performed by such person or persons as the Resident may appoint in that behalf:

(c) all property vested in the Commission shall, until the Commission is reconstituted, vest in Her Majesty.

(3) The Resident may, if he shall think fit, at any time constitute another Commission in the place of the Commission superseded under this section.

178. (1) The Resident may frame forms for any proceeding of the Commission for which the Resident considers that a form should be provided and may make rules consistent with this Regulation. P. 184.

Power of Resident to frame forms and make rules.

(a) with respect to the powers and duties of the Commission;

(b) as to the division of the Station into wards, or of the inhabitants into classes, or both;

(c) as to the number of representatives proper for each ward or class;

(d) as to the qualifications of electors and of candidates for election;

(e) as to the registration of electors;

(f) as to the nomination of candidates, the time of election and the mode of recording votes;

(g) generally for regulating all elections under this Regulation;

(h) fixing the term of office of members of the Commission;

(i) as to the constitution, powers and duties of the Health Committee.

(j) prescribing the qualifications requisite in the case of persons appointed by the Commission to the offices requiring professional skill;

(k) as to the priority to be given to the several duties of the Commission;

(l) as to the procedure to be observed for the punishment or dismissal of servants of the Commission;

(m) as to the conditions on which land vested in the Commission may be transferred by sale, mortgage, lease, exchange or otherwise;

(n) as to the preparation of plans and estimates for works to be constructed at the expense of the Commission, and as to the person by whom, and the conditions subject to which, such plans and estimates are to be sanctioned;

(o) as to the accounts to be kept by the Commission, as to the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Regulation, as to the manner in which such accounts are to be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;

(p) as to the preparation of estimates of income and expenditure of Committees and as to the person by whom, and the conditions subject to which, such estimates may be sanctioned;

(q) as to the returns, statements and reports to be submitted by the Commission.

(r) as to the publication of notices; and

(s) generally for the guidance of the Commission and public officers in carrying out the purposes of this Regulation.

(2) Rules under clause (g) of subsection (1) may, among other matters, provide;

(i) for the investigation of allegations of corrupt practices or intimidation at elections;

(ii) for making void the election of any person proved to the satisfaction of the Resident to have been guilty of corruption or intimidation or to have connived at or abetted the exercise of corruption or intimidation on his behalf by any other person;

(iii) for rendering incapable of municipal office either permanently or for a term of years any person whose election may have been made void as aforesaid for corruption or for connivance at or abetment of the same; and

(iv) for the definition of the practices at municipal elections which are to be deemed to be corrupt or to amount to intimidation.

CHAPTER IX.

SUPPLEMENTAL.

Prosecutions.

P. 186.

Authority for prosecutions.

179. No Court shall take cognizance of any offence punishable under this Regulation or any rule or bye-law except on the complaint of the Commission or of some person authorized by the Commission in this behalf.

Explanation.—The Commission may authorise persons to prosecute either generally in regard to all offences against this Regulation and the rules or bye-laws thereunder or particularly in regard only to specified offences or offences of a specified class. The person authorised may be authorised by office if he is President or Vice-President of the Commission. In other cases the authority must be personal. The authority must in all cases be in writing and may at any time be cancelled by the Commission.

P. 187.

Power to compound offences.

180. (1) The Resident may empower the Commission, or its President, Vice-President or Secretary, or any other officer of the Commission or any Committee or chairman thereof, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Regulation or any rule or bye-law, a sum of money by way of composition for such offence.

(2) On payment of such sum of money the suspected person if in custody shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded for.

(3) Sums paid by way of composition under this section shall be credited to the municipal fund.

(4) Power under sub-section (1) to accept composition for alleged offences may be given either generally in regard to all offences under this Regulation and the rules and bye-laws, or particularly in regard only to specified offences or offences of a specified class, and may at any time be withdrawn by the Resident.

(5) The Resident may make rules to regulate the proceedings of persons empowered to accept composition under this section for alleged offences.

B. 445 amended.

How fines are to be applied.

181. The Magistrate or Judge by whom any fine is imposed by virtue of this Regulaiton may award any portion, not being more than one half thereof, to the informer, and the remainder—or, if he make no award to the informer, the whole, of such fine—shall be paid to the Commissioners, to be by them applied to the purposes of these Regulations.

P. 188.

Member not to be deemed interested in prosecution.

182. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence punishable under this Regulation or any rule or bye-law, or under any other law, within the meaning of section 555 of the Code of Criminal Procedure, 1882, by reason only that he is a member of the Commission by the order, or under the authority, of which it has been instituted.

Rules and Bye-laws.

P. 189.

Procedure for making rules.

183. (1) The authority empowered to make any rules or bye-laws which require the sanction of the Resident or of the Governor-General in Council shall, before making such rules or bye-laws, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules or bye-laws, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making such rules or bye-laws, receive and consider any objection or any suggestion which may be made by any person with respect to the draft before the date so specified.

(2) If, on such consideration of the draft, any modification is made, the Resident shall determine whether it is desirable to republish the draft under this section.

(3) Every such rule or bye-law shall be notified in English, and in such other language or languages as the Resident may direct; and such notification shall be conclusive evidence that such rule or bye-law has been made as is required by this section.

P. 190.

Rules to be available for purchase and inspection.

184. (1) A copy of all rules and bye-laws made under this Regulation shall be kept at the Commission's office, and shall be open during office hours without charge to the inspection of any inhabitant.

(2) Copies of all such rules and bye-laws shall be kept at the Commission's office for sale to the public at a price not exceeding one rupee.

Notices.

185. (1) Every notice issued by the Commission under this Regulation or under any rule or bye-law shall be in writing, signed by the President, Vice-President, or Secretary, or by the members of any Committee specially authorised by the Commission in that behalf, and may be served on the person to whom it is addressed, or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business. P. 191.

Authentication, service and validity of notices.

(2) When the place of abode or business of the person to whom the notice is addressed is not within the limits of the Station, the notice may be served by posting it in registered cover addressed to his usual place of abode.

(3) If the owner of any property has no place of abode or business within the Station every such notice addressed to him as such owner may be served on the occupier.

(4) When the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

(5) No notice issued by the Commission under this Regulation or under any rule or bye-law shall be invalid for defect of form.

186. When any notice is under the provisions of this Regulation to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served— P. 192.

Mode of giving notice to owner or occupier of property.

(a) by delivering a written notice to some person on the property, or, should there be no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property; or

(b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

187. Every public notice given by the Commission under this Regulation or any rule or bye-law shall be published by proclamation or in such other manner as the Resident may, by rule, direct. P. 193.

Publication of Public notice.

Exemption of local areas.

P. 196. 188. When any local area has under Section 6 been exempted from the operation of any of the provisions of this Regulation or of any rules or bye-laws framed thereunder, the Governor-General in Council shall, after consulting the Commission, frame a scheme determining in what manner the liabilities arising, or the advantages derived therefrom shall be apportioned between the Commission and the Secretary of State for India in Council.

Effect of exemption of local area from provisions of the Regulation.

Collection of sums due to the Commission.

189. When any sum is due to the Commission under this Regulation by any person the Commission may recover such sum in the following manner.

Recovery of sums due to the Commission.

(a) by causing a bill for the sum, stating the nature of the demand, to be served on the person liable to pay the same, in the manner provided in Section 185.

(b) if the sum is not paid within seven days from the service of such bill, by causing a notice of demand to be served on that person;

(c) if he do not within seven days from the service of such notice pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, by distraining and selling the moveable property of such person in the manner provided in the Code of Civil Procedure,

(d) by suing such person in the Civil Court.

Any sum awarded by such Court shall, subject to any claim on behalf of Her Majesty, be a first charge on the property, if any, in respect of which it is payable.

Miscellaneous.

P. 202. 190. When any building used as a human dwelling is entered under this Regulation, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who according to custom does not appear in public, is entered under this Regulation, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Precautions to be observed in entering dwellings.

P. 203. 191. (1) In the absence of a written contract to the contrary every sweeper or scavenger employed by a Committee shall be entitled to one

Obligation of municipal servants to discharge their duties.

month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

(2) Should any sweeper or scavenger employed by the Commission in the absence of a written contract authorising him so to do and without reasonable cause resign his employment or absent himself from his duties without giving one month's notice to the Commission, or neglect or refuse to perform his duties or any of them, he shall be liable to imprisonment which may extend to two months.

(3) The Resident may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers and scavengers shall apply also to any specified class of servants employed by the Commission whose functions intimately concern the public health or safety

192. On the complaint of five or more inhabitants of the Station that a house in their immediate neighbourhood and within the limits of the Station is used as a brothel or by disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, any Magistrate of the first class having, as such, jurisdiction in the place where the house is situated may summon the owner or tenant of the house to answer the complaint; and, on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and, if he shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used. P. 204.

Brothels.

193. (1) When any person, by reason of his receiving the rent of immoveable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under this Regulation, be bound to discharge any obligation imposed by this Regulation on the owner of the property and for the discharge of which money is required, he shall only be bound to discharge the obligation to the extent of such funds as he has or but for his own improper act or default might have had, in his hands belonging to the owner. P. 205.

Relief to agents and trustees.

(2) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

(3) When any agent or trustee has claimed and established his right to relief under this section, the Commission may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the owner, and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

P. 206.

Decision of question as to whether persons are "inhabitants."

194. Should any question arise whether any person or specified class of persons is or are an inhabitant or inhabitants of a local area within the meaning of this Regulation the decision thereon of the Commission shall be conclusive.

B. 453.

Police officers to report offences to Commissioners.

195. It shall be the duty of all Police officers to give information to the Commissioners, or to their officers, of any offence committed contrary to the provisions of these Regulations, or the bye-laws made in pursuance thereof, and to help them in giving effect to the provisions of these Regulations.